
P A P E R S

Relating to the

Quakers TYTHE BILL.

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Great Britain. George II, King



P A P E R S

Relating to the

Quakers TYTHE BILL:

VIZ.

- I. THE Case of the People called QUAKERS.
- II. EXTRACTS from the yearly Epistles of Meeting of *Quakers* held in *London* relating to TYTHES.
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- V. THE *Country Parson's* Plea against the *Quakers* Tythe-Bill: Humbly addressed to the Commons of *Great-Britain* assembled in Parliament.

To which is added,

AN ANSWER to the *Country Parson's* Plea against the *Quakers* Tythe Bill. In a Letter to the R. R. Author. By a Member of the House of Commons.

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P A P E R S

Relating to the

Quakers TYTHE BILL.



N^o I. *The Case of the* PEOPLE called QUAKERS.



IN the 7th and 8th Years of the Reign of King *William* the Third, An *Act* was passed for the more easy Recovery of *small Tythes, Offerings, Oblations, Obventions or Compositions*, not exceeding the Yearly Value of *Forty Shillings*, from any One Person, in a summary Way by *Justice's Warrant*; which was continued by an *Act* of the 11th and 12th of the said King, and was made perpetual by an *Act* of the 3d and 4th of Queen *Anne*.

In the 7th and 8th Years of the Reign of K. *William* the III. in an *Act* for accepting the *Solemn Affirmation* of the People called *Quakers*, like Remedy is provided for the Recovery of *Tythes and Church-Rates* from *Quakers* who shall refuse to pay the same, the Sum not exceeding *Ten Pounds*; which *Act* being Temporary, was continued by a subsequent *Act*; and was by an *Act* of the 1st of King *George* the First, extended to all *Rates, Customary* or other *Rights, Dues, or Payments*, belonging to any *Church or Chapel*, to be paid for the Maintenance of any *Minister or Curate* in any *Church or Chapel*.

These

These Acts, 'tis humbly conceived, were intended not only for the Ease of the Prosecutor, but also to prevent Oppressive and ruinous Prosecutions.

Notwithstanding which, there have been prosecuted in the *Exchequer*, *Ecclesiastical*, and other Courts, in *England* and *Wales*, for Demands recoverable by the said Acts, above Eleven Hundred of the People called *Quakers*, of whom near Three Hundred were committed to Prison, and several of them died Prisoners.

These Prosecutions, though frequently commenced for Trivial Sums, from *Four Pence* to *Five Shillings*, and great Part of them for Sums not exceeding *Forty Shillings*, have been attended with such heavy Costs, and rigorous Executions, that about *Eight Hundred Pounds* have been taken from Ten of them, where the original Demand did not amount to *Fifteen Pounds*.

By such Prosecutions, the favourable Intent of the aforesaid Acts is in a great Measure frustrated, and many of the said People suffer, as if no such laws were in Being: Though Christian Charity must admit, that their Refusal of such Demands is purely Conscientious; since no rational Man, considering his Circumstances and Family, would incur such severe sufferings on any other Account.

'Tis therefore humbly submitted, Whether such Prosecutions, frequently attended with *Excommunications* and *Imprisonments*, be not *Grievances* which call for *Redress*; and whether it be not reasonable to *Restrain* the Prosecutors from Proceedings so *Ruinous* and *Destructive*.



NUMBER II.

EXTRACTS from the yearly Epistles of Meeting of Quakers, held in London relating to TYTHES.

AT a Time when the *Quakers* are desiring a very uncommon Favour from the Parliament, in relation to their Tythes, it cannot be improper to inform the Publick, from their own Declarations, made in the most solemn Manner, what their true Sentiments and real Views are, with respect to Tythes. The

The common Supposition is, That the *Quakers* mean by their present Attempt no Injury to the Clergy, nor to defraud them of their just and legal Rights; but desire only an easy and unexpensive Way of being forced to that Compliance with the law, which their Consciences will not permit them to yield willingly.

But whether the *Quakers* mean no more than this, or will be contented with this, if it should be granted them, may be best learned from themselves.

It is the Custom of the *Quakers* to send from their yearly Meeting in *London* an Epistle to their distant Friends, advising them in Matters of Importance to their common Interest. I have before me five of these Epistles:

That of 1731, is intitled,

- “ The Epistle from the yearly Meeting held in *London* by Adjournment, from the 7th to the 11th
- “ Day of the 4th Month, 1731, inclusive, to the
- “ Quarterly and Monthly Meetings of Friends and
- “ Brethren, in *Great Britain, Ireland, and elsewhere.*

It concludes thus:

- “ Signed in and on Behalf of the yearly Meeting,
- “ By *William Williamson,*
- “ Clerk to the Meeting this Year.

The Titles of the other four are *mutatis mutandis* the same.

That of 1732, is signed in the same Form,

by *Edmund Gurney.*

That of 1733 by *John Moore.*

That of 1734 by *Daniel Vandewall.*

That of 1735 by *Edmund Gurney.*

What follows relating to Tythes, is transcribed *Verbatim* from the said Epistles.

* “ And, dear Friends, an earnest Travail and Concern of Mind remains upon the Spirit of many Brethren, in order to excite all Friends, who make Profession of Truth with us, to stand faithful in that our ancient and Christian Testimony against Tythes of all Kinds (as well as Church-Rates so called) according to the several former Advices of this Meeting, particularly that in the Year 1706.”

† “ And, dear Brethren, inasmuch as it has been the frequent Practice of this Meeting to recommend to the several Quarterly and Monthly Meetings, tenderly to
“ advise,

“ advise, and earnestly to exhort Friends to be careful
 “ in bearing a faithful Testimony against the Antichri-
 “ stian Yoke of Tythes, Priests Maintenance, and
 “ Church-Rates, so called; the Want whereof in some
 “ Places, hath tended to the Uneasiness and Sorrow of
 “ many Brethren, and added to the Sufferings of such
 “ as have stood faithful in this our ancient and Christian
 “ Testimony; and that the same may be amended for
 “ the Time to come; this Meeting doth again earnest-
 “ ly recommend to the several Quarterly and Monthly
 “ Meetings, in the Love of Truth, tenderly to advise
 “ and exhort their respective Members to stand faithful
 “ in that Testimony; and where any Friends are found
 “ weak and deficient therein, that they deal with such
 “ in the Spirit of Love and Wisdom, according to for-
 “ mer Advices in this Meeting, particularly that in the
 “ Year 1706.

“ It is also the earnest Desire of this Meeting, --- that
 “ all Quarterly and Monthly Meetings be careful to ad-
 “ vise their respective Members to bring in the Ac-
 “ counts of their Sufferings, &c. that they may be duly
 “ recorded, and brought yearly to this Meeting, agree-
 “ able to our Epistle 1687.

* “ And, dear Friends, this Meeting observing a Re-
 “ misness in some Places in respect to our Testimony
 “ against that Antichristian Yoke of Tythes, an earnest
 “ Concern and Zeal has been on the Minds of Friends,
 “ that all might be excited and stirred up to Faithfulness
 “ therein. In order thereunto, we think necessary to
 “ put you in mind, that the Zeal of our Friends, who
 “ have abode faithful in their Testimony against paying
 “ Tythes, Steeple-house Rates, and Priests Maintenance,
 “ has greatly tended to the opening the Eyes of many,
 “ not only in this, but also in other Countries. We
 “ received last Year an Account from *New-England*,
 “ where our Friends formerly underwent grievous Suffer-
 “ ings, that a Law is made exempting them from paying
 “ either to the Maintenance of the established Mini-
 “ sters, or the repairing their Worship Houses: And it
 “ is our Belief, that if all Friends here had been faith-
 “ ful in their Testimony against Tythes, the Time of
 “ our Deliverance from that Oppression under which
 “ this Nation yet groans, would have been nearer at
 “ hand,

“ hand. We do therefore earnestly exhort a close coming
 “ up in that, and every other Branch of our Testimony,
 “ tending to the Promotion of Gospel Liberty, which
 “ it has been our Concern, ever since we were a People,
 “ thro’ manifold Sufferings, to maintain. And if any
 “ Weakness or Unfaithfulness shall appear among the
 “ Professors of the Truth, we hope faithful Friends and
 “ Brethren will not be wanting to administer Help and
 “ Admonition, in the Love and Counsel of God, as
 “ they shall see Occasion, for the restoring and strength-
 “ ening of such, according to the Advice given by
 “ the Apostle, *Gal. vi. 1. Brethern, if a Man be over-*
 “ *taken in a Fault, ye which are Spiritual, restore such an*
 “ *one in the Spirit of Meekness.*”

* “ And, dear Friends, for the sake of those parti-
 “ cular Persons in some Places, who yet continue remiss
 “ in maintaining their Testimony against the Anti-
 “ christian Yoke of Tythes, we think it necessary to
 “ repeat the Advice given last Year, That Friends, as
 “ they shall see Occasion, in the wisdom of God
 “ would admonish such, and in a Spirit of Love and
 “ Meekness endeavour to help and strengthen them, and
 “ to excite and stir them up to Faithfulness in that Branch
 “ of our ancient Testimony.”

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 “ of this Meeting frequently to advise, that Friends
 “ should stand faithful in their Testimony against that
 “ Antichristian Yoke of Tythes, so we do now renew
 “ our Advice in that respect.

“ And we earnestly intreat the Faithful among you, to
 “ take all suitable Opportunities of endeavouring to de-
 “ monstrate, to such as are weak and unfaithful, the
 “ Importance of our Testimony against receiving or
 “ paying of Tythes; *the natural Tendency* whereof is,
 “ to obtain that Liberty which the purest Ages of Chri-
 “ stianity enjoyed; that is, a Liberty for *any Person*,
 “ moved by the Holy Spirit of God, to preach the Doc-
 “ trine of the glorious Gospel of our Lord and Saviour
 “ Jesus Christ freely, and of which they were not de-
 “ prived till such time as great Corruptions of Doctrine
 “ and Practice were found amongst the Professors of
 “ Christianity, and the Civil Powers were prevailed upon

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“advise, and earnestly to exhort Friends to be careful
 “in bearing a faithful Testimony against the Antichri-
 “stian Yoke of Tythes, Priests Maintenance, and
 “Church-Rates, so called; the Want whereof in some
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 “many Brethren, and added to the Sufferings of such
 “as have stood faithful in this our ancient and Christian
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 “have abode faithful in their Testimony against paying
 “Tythes, Steeple-house Rates, and Priests Maintenance,
 “has greatly tended to the opening the Eyes of many,
 “not only in this, but also in other Countries. We
 “received last Year an Account from *New-England*,
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 “this Nation yet groans, would have been nearer at
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 “ Importance of our Testimony against receiving or
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 “ Jesus Christ freely, and of which they were not de-
 “ prived till such time as great Corruptions of Doctrine
 “ and Practice were found amongst the Professors of
 “ Christianity, and the Civil Powers were prevailed upon

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“ to

“ to meddle with the Consciences of the People, which
 “ of Right are to be subject to God only.

“ We cannot therefore but bless the Lord, from an
 “ experimental witnessing of the Comfort and spiritual
 “ Advantage which arises from such a Liberty, that he
 “ was pleased to raise up our worthy Elders, and to give
 “ them a Testimony against that Antichristian Yoke,
 “ making them willing, in this and other Nations, to
 “ suffer for that Testimony thereby shewing to the
 “ World, what the Love of Christ is able to do; for
 “ we believe, nothing short of that Love could have
 “ enabled them to suffer the Spoil of their Goods, and
 “ the long Imprisonment of their Bodies, even unto
 “ Death, as some of them did, for their conscientious
 “ Refusal to pay Tythes: And we have Reason to be-
 “ lieve, that if all amongst us had followed their Ex-
 “ ample, by abiding faithful in this our Christian Tes-
 “ timony, we might before this Time have been in a
 “ great measure relieved from under that Oppression.”

These Passages speak as plainly for themselves, as any
 body can speak for them. If you ask, Why all this
 Earnestness to keep up the Opposition? Why all this
 Concern to exhort Friends to suffer? Why all this la-
 menting over those, who had brought their Consciences
 to comply with the Law of their Country? You may
 see the true Reason in the Epistle 1733.

They tell you, that *the Zeal of Friends, who have
 abode faithful in their Testimony against paying Tythes,
 Steeple-house Rates, and Priests Maintenance, has great-
 ly tended to the opening the Eyes of many, not only in this,
 but also in other Countries.*

What they here mean by *opening the Eyes of many*,
 appears by the Instance they give from *New England*. It
 seems, the *Eyes of the Government* were so opened there,
 that the *Quakers* obtained a Law for exempting them from
 paying either to the Maintenance of the established Mini-
 sters, or the repairing their Worship Houses.

And they tell their Friends, that had they persisted
 with equal Zeal to bear their Testimony against Tythes,
 &c. the Eyes of the Government *here* might have been
 very near opening too. Their own Words are; *It is our
 Belief, that if all Friends here had been faithful in their
 Testimony against Tythes, the Time of our Deliverance
 from the Oppression under which this Nation yet groans,
 would*

would have been nearer at hand. We therefore earnestly exhort a close coming up in that---Branch of our Testimony.

Thus the Case stood with them in 1734.

In 1735, they declare it to be their Opinion, that if all among them had imitated the Example of those who suffered the spoil of their Goods, and the long Imprisonment of their Bodies, even to Death---they might before this Time have been in a great measure relieved from their Oppressions.

You see how strongly they call upon their Friends to stand out, even to Death, against paying Tythes. And why? Is it not plainly, that their Leaders and Directors above might with a better Grace complain to Parliament?

They have now complained to Parliament of their grievous Sufferings by Prosecutions, &c. and yet they yearly complain of their Friends, that they do not suffer enough---So much did they want Matter for just Complaint.

In this last Year's Epistle they open their views yet farther to their Friends, and let them into a Secret, That their Zeal against Tythes has a natural Tendency to obtain---a Liberty for any Person moved by the Holy Spirit of God, to preach the Doctrine, &c. i. e. it tends to destroy the Christian Ministry, and all Establishments.---These are they, who are supposed to mean no Wrong to the Minister, and to desire only that he may recover his Tythes in a Way not oppressive to the Quakers!

Judge now, whether the Continuance of the Obstinacy of many Quakers in the Country, in the Matter of Tythes, be not owing in great measure to the vehement Exhortations of their General Meetings.

Judge likewise, whether the Quakers can approve the present Proposition in their Favour, any otherwise than as it is one Step (and a great one it may prove) to their being totally exempted from paying Tythes and Steeple-house Rates.



NUMBER III.

*A Supplemental EXTRACT from the Quakers
yearly Epistles relating to their Sufferings.*

“ T H E * Amount of Friends Sufferings in *Eng-
land* and *Wales* brought in this Year, which
“ are as usual for Tythes and Church-rates, so called,
“ is three thousand three hundred and five Pounds and
“ upwards; and there is one Friend a Prisoner on that
“ Account.”

† “ The Account of the Sufferings of Friends in
“ *England* and *Wales* brought in this Year, amount to
“ Three thousand four hundred and nineteen Pounds and
“ upwards; chiefly for Tythes and Church-rates, so
“ called. One Friend hath been discharged out of Pri-
“ son since last yearly Meeting and three remain Priso-
“ ners on that Account.”

|| “ The Account of Friends Sufferings in *England*
“ and *Wales* brought in this Year, being chiefly for
“ Tythes and Church-rates, so called, amount to Three
“ thousand four hundred and fifty eight Pounds and up-
“ wards. Two Friends have been discharged out of
“ Prison last Year, and two are now remaining Priso-
“ ners.”

§ “ The Accounts of Friends Sufferings in *Great-
Britain* brought in this Year, being chiefly for Tythes
“ and Church-rates, so called, amount to Three thou-
“ sand one hundred eighty-eight Pounds and upwards;
“ and those in *Ireland*, to One thousand five hundred
“ and eighty-five Pounds. One Friend has been dis-
“ charged out of Prison since last Year; and one yet re-
“ mains a Prisoner on account of Tythes.”

** “ The amount of Friends Sufferings in *England*
“ and *Wales* brought in this Year, being chiefly for
“ Tythes and Church-rates, so called, is Three thou-
“ sand five hundred and forty-five Pounds and upwards;
“ and in *Ireland*, One thousand five hundred and thirty-
“ four Pounds and upwards, making together above
“ Five thousand and eighty Pounds. And one Friend is
“ continued a Prisoner on account of Tythes.”

In

* From Epistle 1731

§ Epist. 1734.

† Epist. 1732.

** Epist. 1735.

|| Epist. 1733.

In the first of these Accounts the whole Amount of their Sufferings is placed to the Account of Tythes and Church-rates; and in the other four they are said to be chiefly on account of Tythes and Church rates: How much is to be deducted for other *Grievances*, or what the other *Grievances* are, I know not, probably the *Quakers* may soon call for further Relief, and then they will be explained.

But the Sums are large, in no Year so little as Three thousand Pounds, and this being all placed to the Head of *Suffering*, one would suppose it was spent in Law, and Goalers Fees: But the Case is far otherwise. It appears by their Letters *, that the principal Sums recovered for Tythes and Church-rates are included in these gross Sums.

If the Case is so, as it plainly is, their Account shew, not how much they have *suffered*, but of how much they would have *defrauded* the Parson and the Parish, if the Law had not interposed. And when they make up their next Account, if they would deal clearly, they should make the Parson and the Parish *Sufferers*; for the Parson, who is forced to go to Law for *his own*, is the *Sufferer*, and not the Person who is forced to pay but what he ought to pay.

The Sums in these several Years being so near the same, it creates a Suspicion, that the same Persons are yearly concerned, as Sufferers in this Case; and perhaps it would afford Ground to calculate how many *Quakers* obstinately refuse to pay Tythe and Church-rates in *Great-Britain*; for by their Method, even the Money recovered before the Justices by the 7th and 8th of King *William*, must be brought to this Account of Suffering.

For the two last Years, there appears to be but *one* Quaker Prisoner for Tythes in the *two* Kingdoms of *Great-Britain* and *Ireland*; in no one of these Years above three; and could Accounts for five Years more backward be fairly examined, the Case would probably be much the same.

The *Quakers* in the *Country* should observe, that their Friends at the yearly Meeting, who call upon them so often and so earnestly, to suffer all Extremities rather than pay Tythes, are themselves generally *Merchants* and *Traders* in the great Cities and Towns, and have no
Tythes

* In 1687, 1693, 1689.

Tythes to pay, and therefore are in no danger of bearing any Share of the Burden, and I have not heard of any of *those* in Prison for *Church-rates*: They pay their Taxes and Customs like other People, and exhort the poor Farmers to die in Prison rather than pay their Tythes and Church-rates, though equally due, and by the same Law of the Land. I think Country Friends have reason to complain.



N U M B E R II.

REMARKS upon a BILL now depending in Parliament, to enlarge, amend, and render more effectual the Laws now in being, for the more easy Recovery of Tythes, Church-rates and Oblations, and other Ecclesiastical Dues from the People called QUAKERS: And also, Remarks on a printed Paper, intituled, The Case of the People called QUAKERS.

IN the Parliament of the 7th and 8th of *Will. 3.* there was an Act pass'd, for the Recovery of Tythes and Church-Rates, not exceeding the Value of Ten Pounds, due from *Quakers*, who shall refuse to pay the same. Which Act was, in the first Year of his late Majesty's Reign, extended to all customary or other Rights, Dues, or Payments belonging to any Church or Chapel.

These Acts, which are now in Force, provide a *summary Method* of recovering Tythes, Church-Rates, &c. due from *Quakers*, i. e. by Warrant from two Justices of the Peace, with an Appeal from their Judgment to the Quarter-Sessions; but the Acts leave the Clergy and Lay-Impropriators wholly at Liberty, either to take that summary Method, or such other *legal and ordinary Methods*, as the Laws of the Land have directed.

Under this Benefit of chusing the Method which was lik'd best, the Bishops and Clergy of those Times could have no Objection against the two foremention'd Acts; because, if in any Case the Clergy should find Reason to suspect *Prejudices* or *Influences* in the summary Way, they were left at full Liberty to prosecute their Right in
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the other Ways. But as the Design of the Bill now depending in Parliament, is to deprive the Clergy of that *Liberty*, and to confine them, absolutely, to the new Methods of Recovery first created by those two Acts, they have Reason to apprehend great Inconveniencies from it.

The *Quakers* are known to be a People, who have a Sort of National Government among themselves. They have their stated Meetings within particular Districts in the Country; and, in *London*, a yearly Meeting of Deputies or Representatives from all Parts of the Kingdom, to treat of the general Concerns of the Body; and a Committee of particular Persons residing in or near *London*, to maintain a constant Correspondence with their Brethren all over the Kingdom. This united Strength, and the Power they are known to have to direct the Application of it to such Persons and Purposes as they think fit, gives them great *Influence* in Counties and Boroughs.

By both the forementioned Acts, the Tythes are supposed to be *carried away*; for, according to the Principles of the *Quakers*, Tythes may no more be *set out*, than *paid*. And as there may be a *Latitude* in fixing the true Value of the Tythes when carried away, so the Clergy may have good Reason to consider, in particular Cases and Circumstances, that such a Latitude is least likely to be taken, by Judges who have stated *Rules* of Proceeding; and who are not only *sworn* to do Right, but to whom also the Parties are equally *unknown* and *unserviceable*. For which Reason, it is specially provided by Act of Parliament (33 H. 8. c. 24.) "That
" no Justice shall be Justice of Assize, in the County
" where he was *born*, or doth *inhabit*;" and this, not from any Suspicion of his Integrity, but lest his *Judgment* itself should be bias'd.

As the Laws stand at present, several of the *Quakers*, knowing that it is in the Power of the Incumbent to prosecute them in the Exchequer or Ecclesiastical Court, find Ways of satisfying him, by themselves or their Friends, in some other Shapes than a *direct Payment* of Tythe. But this is not to be expected, if the worst they have to fear, is the paying the bare Value of the Tythe, according to the Estimate to be made of it by the Justices at the Quarter Sessions, *with such Costs as to them shall seem just and reasonable*.

The *Quakers*, to induce the *Legislature* to take from the Clergy the legal Remedies which the two foremention'd Acts leave them at full Liberty to pursue, have represented their Case in a printed Paper, as follows:

" These Acts, (meaning the Acts before mention'd) 'tis
 " humbly conceived, were intended not only for the
 " Ease of the Prosecutor, but also to prevent Oppressive
 " and Ruinous Prosecutions.

" Notwithstanding which, there have been prosecuted
 " in the *Exchequer*, *Ecclesiastical*, and other Courts, in
 " *England* and *Wales*, for Demands recoverable by the
 " said Acts, above Eleven Hundred of the People called
 " *Quakers*, of whom near Three Hundred were com-
 " mitted to Prison, and several of them died Prisoners.

" These Prosecutions, though frequently commenced
 " for trivial Sums, from *Four Pence* to *Five Shillings*,
 " and great Part of them for Sums not exceeding *Forty*
 " *Shillings*, have been attended with such heavy Costs,
 " and rigorous Executions, that about *Eight Hundred*
 " *Pounds* has been taken from Ten of them, where the
 " Original Demands did not amount to *Fifteen*
 " *Pounds*."

These Suggestions, as they are laid, will be generally understood as a Reproach upon the Clergy. Whereas many of the Prosecutions may have been by *Lay Impropriators*, and many others for Church Rates at the Suit of *Church-wardens*; such Rates being made recoverable before the Justices, as well as Tythes; and the *Quakers*, in their Paper as above, do not say, *Demands of Tythes*, but *Demands recoverable by the said Acts*. And as to such of them as have been really at the Suit of the Clergy; it is by no Means probable that many are to be found in that Body, who will *chuse* a long and expensive Method for the Recovery of their Rights, if they think they may be recover'd in a shorter and less expensive Way.

But suppose the *Numbers* of such Prosecutions, which have been carried on since the passing of the two Acts, to be truly stated by the *Quakers*, and that all the Demands were such as *might* have been recover'd by those Acts (for both which Facts, we have only their own Word) yet no Judgment can be made, whether the Motives upon which either the Clergy or Lay-Impropiators declin'd one Method, and chose the other, were reasonable or unreasonable,

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reasonable, unless the *Circumstances* of the particular Cases were known; which cannot so much as be enquir'd into, till the Quakers give a particular Specification of the *Causes, Persons, Places, and Times*.

Their supposing that the more tedious and expensive Method has been, and will be, made Choice of out of *Ill-Will, Malice, or Revenge*, is a heavy Imputation; and it is no more than common Justice, that the Clergy should have an Opportunity to vindicate themselves from so foul a Charge. And since the *Fitness* of passing such a Bill as is now desired, depends not upon the Numbers of such Prosecutions, but rests wholly upon the Supposition that they have been begun and carried on upon such *undue Motives*; it is to be hop'd, that the Legislature will not deprive the Clergy of any Remedy which the Laws of the Land have given them, upon a bare *Surmise* of the *Quakers*; without any such Specification of Facts, as might give an Opportunity to enquire into the several Dioceses, into the *Truth* of them, and into the *Circumstances* of those *Suits*, and *Imprisonments*, which are made the Subject Matter of Complaint.



N U M B E R III.

The Country Parson's PLEA, against the Quakers Bill for Tythes: Humbly addressed to the Honourable the Commons of Great Britain, in Parliament assembled.

Most Honour'd,

IT is presumed, that it is no Offence for the Meanest to offer Reasons to the Greatest:

Nor a Reproach to any Man to have a reasonable Concern for his own Property.

Trusting to these Presumptions, I make bold to lay my Case before you, in relation to the Bill now depending for Quakers Tythes.

As I am a Subject of *Great Britain*, as well as a Minister of the Gospel, I have a Birthright in the Law, and in having all Questions, relating to my Property, determined in the Methods of Justice used in this Kingdom,

dom, and not referred to an arbitrary Decision; *Nulli negabimus Justitiam* is the Language of *Magna Charta*.

I envy the Quakers no Ease you intend to give them, or can give them, provided it does not injure my Property; but I apprehend this Bill will be greatly injurious to me, for the following Reasons:

By the common Law of the Kingdom, as it stood before any Statutes were made in Aid of Tythes, and as it now stands, I conceive myself to have the following Rights;

1. I have a Right to receive in Kind, and to my own Use, the due and accustomed Tythes arising in my Parish.

2. I have a Right to let them to the Occupier of the Land, or to any other Person, at such a Price as I can agree for; and no Man has a Right to hinder me taking my Tythes in Kind, or to set a Value on them, if I think fit to lett them.

These Rights are common ones, and such as every Man in the Kingdom has over his own Property; I claim them not as peculiar to the Clergy.

If the Bill now before you passes into a Law, these Rights will be taken from me, who have not, I conceive, forfeited them; and transferred to others, who have not, I conceive, any Title to them. For,

1. No Quaker will, after such a Law made, ever set out his Tythes, but will retain them to his own Use, and I shall be debarred having them in Kind, how necessary soever they may be to my own and my Family's Subsistence.

This will appear undeniably, by considering how the Law, in Conjunction with the Quaker's Conscience, will operate in this Case.

By Law the Parson cannot set out his own Tythe, and carry it away, but the Occupier of the Land must set out the Tythe; and if the Parson intermeddles with the Corn before the Occupier hath set out the Tythe, he is liable to an Action.

The Quaker's Conscience will not permit him to set out the Tythe: So that what with the Law on one Side, and the Quaker's Conscience on the other, no Tythe can ever be set out in this Case.

2. When the Quaker has possessed himself, contrary to Law and good Conscience, of my Property, he will

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will be subject to none of the Laws now in being, made for the Restraint of such Injustice.

3. If I *sue* for the value of my Tythes, as the Bill intends I should ; yet even for the Value I am referred to an arbitrary Decision in the Country.

4. Consequently, I shall have a Property left in me by Law ; but such an one as I cannot take to my own Use, nor set a Price on to any other Person.

Is there any other Property in the Kingdom in the same Case? Or, is it fit there should be ?

The Quakers are great Traders ; Will they be content that their Neighbours should serve themselves with Goods out of their Shops and Ware-houses, and bid them go to the next Justice to set the Price on the Goods so taken ?

But the Bill now before you being founded upon the Acts in the 7th and 8th of King *William*, which were Temporary Laws at first, and are now, having been found wholesome and beneficial Laws, made perpetual ; it will be proper to consider the Difference of those Laws and this now proposed.

The Difference is the widest that can be.

1. The Acts of King *William* were made in Support of Property, and gave easy Relief to the Person injured, as all just Laws ought to do.

2. The present Bill, if it ever is a Law, will be to the Injury of Property, and the Owner thereof ; and will give Relief to the injurious Person only.

This will appear, by considering ;

1. That the Acts of King *William* took no Benefit of the Law from me. They provided an easy Remedy for the Recovery of small Tythes and Quakers Tythes ; but did not shut up the King's Courts against me, but left me at Liberty to take the new Method, or to resort, if it was necessary, to the old ones.

For this I had Reason to be thankful ; and have chosen always the new Method for my own Sake and my Neighbour's Sake. But,

2. The present Bill takes from me the Benefit of the Law for the Recovery of my Property, and for restraining Injuries done to it ; and refers me for Recovery of my Right to an arbitrary Decision, contrary, as I conceive, to the Genius of this free Government ; and gives Security

rity and Impunity to the Person who injures me, contrary, as I conceive, to natural Justice,

To explain this a little farther:

1. When I had my Choice of applying to the Law, or to the Justice of Peace, to recover my Due, the Quaker, as he had no Reason to expect that I should give up the maintenance of my self and Family to his Scruples, had Reason to thank me that I took the easiest Method to him; and, if my Demand for the Value of the Tythe subtracted, was reasonable, he had no Temptation to controvert it; for he well knew, that if by any undue Application he injured me once in this Method, the Consequence would be, that he would be exposed in the next Instance to a Prosecution at Law. And probably the few Prosecutions at Law, which have been against Quakers, may have been occasioned in this Manner.

2. For the same Reason the Justice could have no View but to do Right between the Parties; this Power could not be used to court the Quakers Interest in Elections, (which is a great one); for it would do but once, and for once it was not worth the while.

But if this Bill passes, the Case will be alter'd in these Respects: For,

3. The Quaker knowing that I have no Resort to the Law, but must be concluded by the Justices in the Country, will not only keep my Tythe from me, but will use all his Art and Application to reduce the Value by the Judgment in the Country, which at present it is not his Interest to do.

4. The Justices in the County will be under a Temptation to use this Power to cultivate an Election-Interest.

Many Quakers are Freeholders, and as they are great Dealers, have Influence over many others, and will act as one Man in Opposition to the Parson.

I have but one Vote for the County, and no Interest.

5. By this Bill I must be ty'd down for the Value of my Tythes by the Judgment of the Gentlemen out of whose Lands the Tythe arises, and whose Tenants pay it: And it is a legal Objection against a Juryman that he has an Interest in the Cause, tho' his Honour and Integrity be otherwise unsuspected.

6. The Appeal to the Quarter Sessions will be little Comfort to the poor Parson; who must appeal against the two Justices who gave the Sentence, as well as against the Quaker

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Quaker who with-held his Tythe. The two Justices will be on the Bench at the Quarter Sessions: or if they are not, it may happen that their Brother Justices may think it more expedient that a Parson should lose 40 or 50 Shillings, (a great Part of the Demand) than that two worthy Gentlemen, Justices of the Peace, should be suspected of Partiality.

7. The Bill extending to all Tythes under ten Pounds Value, will take in at least two thirds of the Tythes of *England*. It commonly is the Case that there are two or three large Farms in a Parish, and that the rest is held by small Freeholders, or by little Farmers, who together hold two thirds of the Land or thereabouts, and pay each under ten Pounds for Tythes. In Countries where Farms are generally small, as in the *North* and in *Wales* they are, the Bill will take in the whole Property of the Clergy.

If two thirds of the Tythes of *England* are to be, as they may be, subjected to an arbitrary Valuation in the Country; the other third must submit, and the Bill will probably, in process of Time, introduce a general *Modus decimandi* for the whole Kingdom.

Suppose, for Instance, that two or three Quakers in a Parish should get a Judgment confirmed at Quarter-Sessions, valuing the Tythe of their Corn at two Shillings, when indeed it was worth three or four *per Acre*: Is it to be thought, the rest of the Parishioners will ever pay more? Will they not say, that the Judgment of the Quarter-Sessions, the *Dernier Resort* in the Case, ought to conclude the Parson? What must I do then? Shall I take my Tythe in Kind? Can you think they will let me? when it is putting on a broad Hat, and a short Cravat, and they will be safe under the Protection of this Bill in keeping the Tythes to themselves; and may laugh to see me travelling from the Justices to the Quarter Sessions, and at last, after much Trouble and Charge, and paying them their Costs, compelled to take the Quarter Sessions Price. A few such Instances in a County will make the Quarter Sessions Price, a standing Rule for the Value of Tythes in that County.

8. There has been formerly a Case not unlike the present Case; and it is worth observing in what manner your Ancestors treated it.

1. About the 27th of *H. 8.* when the lesser Monasteries were destroyed, the People thought they might take a Share in the Revenues of the Church as well as the King. In what manner they reasoned, I know not: But my Lord *Coke* observes, (2 *Instit.* 648.) *The Noise of the Dissolution of Monasteries in the Parliament holden 27th Year H. 8. (Laymen taking small Occasions to withdraw their Tythes) was the Occasion of making the Stat. 27. H. 8. Cap. 20.* And it appears by an Injunction of the King's in 1538, about two Years after, That the People took upon them to withdraw their Tythes, when they disapproved their Minister's Conduct. *Fox's Act. and Mon.* 326.

2. In the 31st of *H. 8.* the greater Monasteries were dissolved; and the Tythes which belonged to them, were granted out by the King, and became Lay Fees.

This gave a new Handle for withdrawing Tythes. Many who had been persuaded that they ought in Conscience to pay Tythes to the Clergy, made no Conscience of with-holding their Tythes from Laymen; and they were the more encouraged, because the Lay Impropiator had no Remedy. He could not sue in the Ecclesiastical Court, being a Layman; nor in the King's Temporal Courts, for they did not ordinarily at that Time hold Plea of Tythes.

This Obstinacy went so far, that, as it appears in the Acts, some Persons did not only stand out the Prosecution, but did, after Sentence given, wilfully refuse to pay their Tythes.

Consider now how the Parliament of that Time treated these Pretensions.

1. They stile these Men *Evil disposed Persons*, 27 *H. 8.* *Not regarding their Duties to Almighty God, and to the King.* 32. *H. 8.*

2. They did not discharge the proper Court from intermeddling in the Causes of these Persons, but they strengthened the Jurisdiction, and empowered any of the King's Council, or two Justices, upon Request made to them, to aid the Court, by attaching the Person against whom such Request shall be made, and committing him to *Ward*, till he found Security to give due Obedience, &c. 27 *H. 8.*

3. The 32d *H. 8.* enables the Lay Impropiator to sue in the Ecclesiastical Court; and in case any Person
or

or Persons do, of his or their ungodly and perverse Will and Mind, detain and withhold any Tythes or Offerings, &c. the Statute gives the like Remedy against the Person, and like Aid to the Court as was given before by 27 H. 8.

4. But these two Statutes, after all the Force and Aid they had given to the Jurisdiction of the Court in Matter of Tythes, proved ineffectual; and the Reason, as may be gathered from the Subsequent Statute of Ed. 6. was, That when the Farmer had substracted his Tythe, the Parson could sue only for Damages, which depending on the Value of the Tythe substracted, the Witnesses, who were generally Farmers and Countrymen, did so undervalue the Tythes, that the Parson, tho' he recovered against the Farmer, was sure to be a great Sufferer by the Suit. Had Things been suffered to continue in this State, the Legislature saw that Tythes would sink to Nothing, and the established Ministry be left without Maintenance, by the Iniquity and Partiality of Witnesses, when little could be recovered in proportion to the real Value of the Tythe substracted, and that too, by a very great Expence at Law. Therefore,

The Statute of the second and third of Ed. VI. gave a *Forfeiture of the treble Value of the Tythes* in one Case (as the Statute has been expounded) and gave *double Damages over and besides the Costs, Charges, and Expences* in another.

So far were the Legislature from thinking it reasonable to submit the Value of Tythes substracted to the Evidence of Countrymen, that they gave the treble Damages, and double Damages with Costs, &c. to secure the injured Parson in all Events; for Witnesses could not with Safety to themselves in a Court of Justice bring the Value so low, but that treble the Sum would reach the true Value.

5. This last Statute wrought the desired Effect. The treble Damages and double Damages, with Costs of Suit, cured the *perverse Will* complained of in the Statutes, and the People from that Time considered Tythes as due by the Law, and went on paying them, till the new Sect of Quakers arose, and pleaded Conscience against paying Tythes due and accustomed according to Law.

We are now then once again in the Case which produced the three Statutes before-mentioned.

And What is the Remedy now proposed?

The Bill depending before you proposes,

1. To take away the Jurisdiction of all the King's Courts in the Case of Quakers Tythes.

2. To repeal, as against the Quakers, the three Acts before-mentioned.

3. To give the Quaker Liberty to take to his own Use the Tythes due to the Parson.

4. To compel the Parson to accept such a Value for his Tythes, as the Justices shall think fit to set on them.

The Former Acts were made *against* the Offender.

This will be in his *Favour*.

The former Acts were made to punish the Person who defrauded the Parson of his Tythes.

This Bill will punish the Parson, who is defrauded; and will encourage and support the Quaker in setting up a Right, upon the Plea of Conscience, to another Man's Estate.

I say, to *another Man's Estate*, and I wish the Quaker's Conscience could be examined in this point. Is he a *Land-owner*? Let him be asked, upon his Conscience whether he paid any Consideration to the Vender of the Land beyond the usual Price, and upon Supposition that no Tythes would be due from his Land? Is he a *Farmer*? Let him be asked, Whether *he* pays more Rent than *Churchmen* used to give for the Farm, in Consideration of his paying no Tythe? If he cannot say, that he either bought, or hired the Tythe, (and he can say neither) what Title has he to it? He possesses himself of it, and cannot possibly shew any Right to it; and therefore there must needs be *another* Owner, who has a *just* Right to it; but the Quaker, it seems, cannot in *Conscience* part with it; *i. e.* he cannot in Conscience permit his Neighbour to have and enjoy *his own* Property.

Give me leave, on this Part of the Case, to make one general Observation.

To secure Property, is one main End of Government; and therefore all *Opinions*, all *Practices*, inconsistent with the Preservation of Property, are also inconsistent with Government and Society. And I conceive, this is the only Instance of an Application to any Government in the

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the known Word, to countenance an Opinion, destructive to the Property of any of the Subjects.

But farther:

I. There is a Case of great Extent, and common Experience, for which the Bill provides no Remedy; that is, where the Tythes are subtracted, and the Parson does not, perhaps cannot possibly, know the Value, so as to found a Demand.

The Parson has no Right to go into the Parishioners Lands, which have no common Way thro' them: If he does, he is liable to be prosecuted for Trespass. And it is not to be supposed, the Quaker's Conscience will permit him to allow the Parson to go into his Grounds, to examine the Value of his Tythes: It would be a Crime, in his Opinion, equal to setting them out. It may therefore be impossible for the Parson to know the Value of the Quaker's Corn Tythe, and to make any Demand before the Justices for it. But with respect to small Tythes, this is *necessarily* the Case; and therefore they are usually compounded at a moderate Rate: But how shall the Parson demand the Value of the Quaker's small Tythes? It will not be supposed, surely, that the Parson is to keep a Register of all the Calves and Pigs born in the Parish; and if he would do it, how can he? He cannot go at all Times, or at any Time, into the Yards and Outhouses of the Quaker, to watch when a Cow falls into Labour: How then is the Value to be demanded before the Justice? And, seeing I know not the Value, how shall I judge whether my Case falls under this Act, or is left at large, since *that* depends on the Value.

Suppose, for Instance, that the Blank in the Bill should be filled with 10*l.* or any other Sum; for the Case will be the same; and I knowing the Tythes subtracted by the Quaker to be of the Value of 13 or 14*l.* should bring a Bill in the Exchequer; and the Value should be there disputed; and an Issue directed to try the Value, and the Verdict should settle the Value at 9*l.* 15*s.* What will my Case be? The Bill says, No Tythes under Ten Pounds shall be *recoverable* in any Court. Consequently I can have no Judgment upon the Verdict; but after an expensive Suit, and a very partial Verdict, must go to the Justices in the Country; and with little Hopes of obtaining more than the Jury gave.

As the Law now stands, the Parson can bring a Bill of Discovery into Chancery, or in the Equity Side of the Exchequer; in which Case the Farmer is obliged to set out upon Oath his tytheable Matter, and the Value; and is liable to Prosecution for Perjury, if he is guilty of it. But is every Justice in the Kingdom to be erected into a Chancellor? If not, by what Proceeding shall the Parson have a Discovery in these Cases?

II. By Law, as it now stands, the Parson may *Sub-pœna* all proper Witnesses to give Evidence in his Cause, but this Bill takes from him this legal Means of Defence; if his Neighbours will go, it is well, he may get them if he can; but the Justice has no Power to compell them, and the Parson is put to sue for his undoubted Right, and the Assistance of the Law, to enable him to prove it is taken from him.

III. In the original Cause before the Justice, the Parson is supposed to have just Cause of Complaint, and to recover, in some Shape or other, and to be intitled to Costs.

It is probable he may ordinarily be the Appellant to the Quarter Sessions, and Costs may be against him: How is it that the Bill limits the Costs in the first Instance, when the Parson is to receive them, and leaves them arbitrary in the Second, when the Parson may be to pay them?

IV. If the Quaker or his Witnesses give false Evidence before the Justice, and I bring an Information or Indictment against them, and fail to make a legal Proof, (as I easily may do) in that Case the Bill says, *The Defendant shall recover Treble Costs.*

By the *Statute of Edward VI.* the Quaker is now liable to *Treble Damages* for not setting out my Tythes: By this Bill the Case is much alter'd; If the Quaker refuses to set out his Tythes, and afterwards endeavours to defraud me in the Value by false Evidence, and I attempt to punish the Perjury, and fail in the legal Proof of it, *Treble Costs* are given against me.

What is my Case now? My Tythe itself is gone without Remedy; I may be cheated in the Value by the Means of corrupt Witnesses; and if I go a Step farther, it is at the Peril of paying *Treble Costs.*

Is this equal Justice?

V. The

V. The Effect this Bill will have upon the Quakers themselves, ought to be considered.

Great Part of them have bid Adieu to these unjustifiable Pretences of Conscience; and yield their Tythes, or agree for them, as the rest of their Neighbours do. But if this Bill passes in Compliance to the obstinate Part, those who have submitted to the Law of their Country must be ashamed, and return to their old Pretence in compliance to the Obstinate; who will be esteemed as Confessors, who by their Steadiness have made the Law give way, and exalted their misguided Consciences above the Property of their Fellow Subjects.

VI. As to the Sufferings of the Quakers; in their own Case they reckon 1100 and upward, prosecuted for Demands recoverable by the Acts of the 7th and 8th of King William.

Church Rates as well as *Tythes* are recoverable by the said Acts; and *Church Rates* are due in every Parish as well as *Tythes*.

Suppose then one half of the Prosecutions were, and probably more were, for Church Rates; for every Quaker as an Inhabitant of a Parish, is liable to Church Rates; but those only who are Farmers, are liable to pay Tythes; there will remain 550 Prosecutions for Tythes in 40 Years since the making of the Act, that is, one Year with another, about 14.

The Parishes in *England* are near 10,000, and if you add Chapels and Curacies, they will not fall short of 12,000; and considering that there is a Vicar, there is also an Impropiator equally concerned in this Case, we may add one Third to the Number, or about 3000, so that the whole Amount will be 15,000.

Upon their own shewing then, it appears, that there has been not quite one Quaker *per Annum* prosecuted in a Thousand Parishes, &c.

Judge now whether the Clergy have not generally chosen the easiest Method for recovering their Dues from the Quakers. If they had not, considering the Number of Quakers who will not pay till forced, the Prosecutions must have been more numerous.

This being the Case, there is great Probability, That if the Law is permitted to stand as it does at present, the Quakers will by degrees come off from their unreasonable

Scruples; and that, in the mean Time, every wise *Clergyman*, for his own *Sake*, and every good *Clergyman*, in Compassion to his Neighbour the *Quaker*, will take the easy and cheap Method prescribed by the Acts of the 7th and 8th of King *William*, for the Recovery of his Dues.

But after all, if the Bill must pass, let it by all Means be general; for what has the *Churchman* done, that he should be left subject to the Prosecutions and Hardships at Law, from which it is thought reasonable to relieve the *Quakers*? And for myself, I had much rather lose my *Tythe*, than my *Tythe* and my *People* too.



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AN
ANSWER

TO THE

Country PARSON'S *Plea*

AGAINST THE

Quakers TYTHE BILL.

IN A

LETTER to the R. R. AUTHOR.

By a Member of the House of COMMONS.



D U B L I N:

Printed in the Year MDCCXXXVII.

ANSWER
TO THE

QUESTIONS
PUT TO THE

COMMISSIONERS



IN ANSWER TO THE
QUESTIONS OF THE

COMMISSIONERS

PRINTED BY
J. JOHNSON, ST. PAUL'S CHURCH-YARD.

A N
A N S W E R

T O T H E

Country PARSON's Plea against
the QUAKERS Tythe Bill, &c.

Very Reverend,

A Pamphlet hath been delivered at the Doors of both Houses of Parliament, and sent under the Franks of divers of my Lords the B---ps to the Parochial Clergy entitled, PAPERS RELATING TO THE QUAKERS TYTHE BILL, viz.

* I. *Extracts from the Yearly Epistles of Meeting of Quakers held in London, in Relation to Tythes.*

II. *Remarks upon a Bill now depending in Parliament, to enlarge, amend, and render more effectual the Laws now in being, for the more easy Recovery of Tythes, Church-rates, Oblations, and other Ecclesiastical Dues, from the People called Quakers; And also, Remarks upon a printed Paper, entitled, The Case of the People called Quakers.*

III. THE COUNTRY PARSON'S PLEA AGAINST THE QUAKERS TYTHE BILL, *humbly addressed to the Commons of Great Britain assembled in Parliament.*

* The Papers relating to the *Quakers* TYTHE BILL were first published in the Order above-mentioned, but were afterwards reprinted and placed as they are in this Pamphlet.

IV.

IV. *The Case of the People called Quakers.*

The Method of bundling up these Papers is particularly to be noted,

For that,

The *BILL*, though much inveighed against, is not regularly *open'd* in them; and

The *CASE*, which is the Ground of the Debate is printed *at the End* of the Papers designed to confute it, which-seemeth as if the Compiler intended to prejudice the Reader against Both the *Bill* and the *Case*, before he should read either.

So very unfair a Procedure deserves Animadversion; and,

This Answer is directed to the Author of the *Country Parson's Plea*, and not to either of his Colleagues, because I would not be charged with designing to expose the *Nakedness* of a Father, or with deriding the Dotage of a *Mother* in the Church;

I would not be charged with directing my Answer either to the *lightest*, or the *heaviest* of the Triumvirate, whilst there is *one* to be animadverted upon, whose Parts and Capacity have raised him above Contempt, even in Spite of his *soufing* Prostitution---of whom the Cause of Liberty and Virtue might fear as much Mischief, as He is known to bear Malignity to it, were not his *Abilities* so happily qualify'd by his *Reputation*, that the most impotent cannot be more harmless.

This *Country Parson's Plea* addresses itself to the Commons of *Great Britain*, in a manner seemingly humble, modest, and fair.

1. "It is presumed *says the Author*, that it can be
"no offence for the meanest to offer Reasons to the
"Greatest;

2. "Nor a Reproach to any Man to have a reasonable
"Concern for his own Property.

"Trusting to these Presumptions, I make bold," &c,
The specious Preamble might induce us to believe,

That this Country Parson is humbly submitting his
Case to an House of Commons better informed:

And not that it is the fact in this, as in every Instance where a Bill for the Reformation of the Church is brought into Parliament, that one or two *venerable Sages* draw

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draw up an *Invective* against the Bill before it hath had a Second Reading, and send it *franked* by the Post to the Clergy thro' the Kingdom, to raise a Clamour from their Pulpits against the Proceedings of Parliament.

This Invasion of the Rights of the *House of Commons* hath been so openly practised by their *spiritual L-----ps*, that circular Letters to the Clergy of the several Dioceses and of the two Universities have been issued, under Covers inscribed with R. R. *Names*, on the bringing in of Bills in three several Years, viz. First the *Tythe Bill*, 1731, next the *Ecclesiastical Court Bill*, 1733, and lastly, the *Quakers Tythe Bill* now depending.

With Insolence still more alarming, the Persons who issued those Letters have as openly *menaced the Members* who brought in those Bills; threatening to oppose them in subsequent Elections with the Weight of Church Influence, which that it hath intimidated the *worthy Members*, I presume not to believe, I am sure it shall never intimidate me, but if the Fact be enquired into, there are not wanting those who will make it fully appear.

Not that any one laments to have heard these Menaces so frankly poured out against the *Members*, because if that *venerable Body* oppose their Interest in the Lands of *England* against the Rights of an *House of Commons*, it will speedily move the Wisdom of Parliament to check the Exorbitance of that Power, which is so bold with their Liberties.

Whatever shall threaten the Representatives of the People in the free Exercise of their noblest Prerogative, the *Redress of Grievances*, must strike at the Life of their Authority and Reputation; and most infamously treats them as a Body of Men called together for the Business of *Taxing*, and not at all for the *Easing* of the Subject:

As if the Commons of *Great Britain* were in Duty bound to grant Money for building of *Churches* and repairing of *Abbies*, but were without a competent Jurisdiction to examine Abuses committed by the Clergy in their Suits for *Tythes* and *Dues*, and for *more than their Due*.

This, absurd as it is, will be found to run through the *Plea* before us, as a Principle on which the Establishment of Church and State is founded, and without which the Clergy can have no Maintenance.

It is, says the *Plea*, a Reproach to no Man to have a reasonable Concern for his own *Property*.

And the whole Argument treats the Bill as a Violation of the *Parson's* Property, because it directs in what Manner he shall sue the Layman for *Tythe*.

This is contrived to enflame the Clergy against the House of Commons, as robbing Churchmen of their *Property*.

But I think the Word *Property* was never less warrantably used, than it hath been on this Occasion.

The Tythes of the Clergy, are the Wages, which, as Servants of the Publick, they receive from the Bounty of the Laws; and their Right in those Tythes arising purely from the *Grace*, their Remedy in suing for them must depend wholly on the *Will* of the Legislative Power.

A Layman's Freehold accrues to him by Inheritance from his Father: A Churchman's Freehold accrues to him by the Gift of the Publick, on such Conditions, as are or shall be declared to qualify the Tenure of the Possession, or the Recovery of any Rights incident to it.

By Non-compliance with these Conditions, as declared in a single Act of Parliament, *i. e.* the last *Uniformity-Act*. Thousands have been deprived in a Year, not only of their Tythes, but their Churches, with the high Approbation of all zealous Churchmen.

And I must say, for the Reputation of the Sufferers in that Case, that as sensible as they were of their Hardships they had greater Modesty than to call that a *Property* which they knew to be only a *Trust*:

Nor would it have been endured; and much less, that, knowing their Possessions to be held of this *Publick Donation*, they should have had the Insolence to treat any Interest incident to their Possession, as a Matter of *Property*, not belonging to the Disposition of Parliament.

Every private Interest, even Rights of Inheritance, must be governed by the Consideration of publick Interest. *Salus Populi Suprema Lex*.

And nothing can be more insolent or incongruous, than to challenge the Donations of the Publick, as a Property not to be reformed for the Convenience of the Publick.

No free State, no wise People, ever suffered such a Doctrine to pass unproved. The *Agrarian* Laws of the ancient Republicks in direct Contradiction to it, ordained

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dained the equal Distribution of Lands, and reformed the Grievance of *excessive Property*, by limiting and restraining the Possessions of their Subjects.

The Laws of *England* are not without the strongest Declarations of the same Wisdom in our Legislators; the *Reformers* of our *Church*, to their Honour be it ever remember'd, were the Men who avowed this Power of retrenching *enormous Property* to be the *Prerogative of Parliament*.

The Act concerning *Peter Pence* and Dispensations, 25 *Hen. 8 cap. 15.* hath this remarkable *Preface*.

‘ WHEREAS, it standeth with natural Equity and good Reason, that in all and every Laws human, made within this Realm, or induced into this Realm by Sufferance, Consent, and Custom----Your Royal Majesty, and your Lords Spiritual and Temporal, and Commons, representing the whole State of your Realm, in this your most high Court of *Parliament*, have full Power and Authority, not only to dispense, but also to authorise some elect Person or Persons, to dispense with these and all other human Laws in this your Realm, and with every one of them, *as the Quality of the Persons and Matter shall require*; and also the said Laws and every one of them to abrogate, amplify, or diminish, as it shall be seen unto your Majesty, and the Nobles and Commons of your Realm, present in your Parliament, meet and convenient for the Wealth of your Realm.’

‘ And because that it is now in these Days present seen that the State, Dignity, Superiority, Reputation and Authority of the imperial Crown of this Realm, by the long Sufferance of *unreasonable and uncharitable Usurpations and Exactions*, practised in the Times of your most noble Progenitors, is much and sore decayed and diminished, and the People of this Realm thereby impoverished, and so or worse be like to continue, if Remedy be not therefore shortly provided :

‘ It may therefore please your most noble Majesty, &c. (to take away *Peter Pence* and Payments to the See of *Rome*.)

This Act provided against the Claims of Foreigners, we shall in the next Instance see how our Ancestors dealt with the Claims and *pretended Properties* of Churchmen WHO WERE NATIVES.

The Act for suppressing of Monasteries, which had not Lands above 200 l. by the Year (27 Hen. 8. cap. 28.)

DECLARES,

‘ The Lords and Commons by a great Deliberation
‘ finally be resolved, that it is and shall be much more
‘ to the Pleasure of Almighty God, and for the Honour
‘ of this Realm, that the Possessions of such Religious
‘ Houses now being *spent, spoiled, and wasted for In-*
‘ *crease and Maintenance of Sin*, should be used and
‘ committed to better Uses; and the *unthrifty* Religious,
‘ so spending the same, to be compelled to reform their
‘ Lives; and thereupon most humbly desire the King’s
‘ Highness, that it may be enacted (*to suppress them.*)

To this Act for suppressing the lesser Ecclesiastical Foundations, succeeded soon afterwards the general Surrender and Dissolution of all the Monasteries in the Kingdom, when so many *Impropriations of Tythe* became *Lay Fees*, and were alienated from the Church by Authority of Parliament.

Whoever reads these Acts, will find 1. That the Regulation of Ecclesiastical Property is so far from contradicting, that nothing can be more natural to the Genius of this free Kingdom.

2. That such Regulation of Property in the Church, is the only Means by which any People can obtain a Reformation of Religion.

3. That the Parliament of this Kingdom, in divesting the Church of those *Impropriations of Tythe*, did not allow Churchmen to have any *Property in Tythe*;

And (4.) that if the Legislature now in being, proceeding in the same Course as our *first Reformers*, should think it expedient to abolish *all Tythe* remaining in the Church, or to convert it into Lay Fees, they could not want a full and proper Warrant from the Acts of their Predecessors, so long as the Acts for Non-payment of *Peter Pence*, and for suppressing of *Monasteries* shall remain in the Statute Books.

But we are not debating the Question, whether Tythes ought to be continued: The Quakers (as a People who think them to be abolished by the Gospel of Christ, and not lawful by the Principles of Religion *for them* to pay) desire the Authority of Parliament to be in such manner interposed, that so long as they are laid upon them, it may

may be in the least oppressive Course, and by the most Summary Procefs.

The *House of Commons*, in Compassion to their Grievances, with the most unanimous, chearful, and ready Consent, ordered a BILL to be brought in, *to enlarge, amend, and render more effectual the Laws now in being, for the more easy Recovery of Tythes, Church Rates and Oblations, and other Ecclesiastical Dues from the People called Quakers.*

The Bill, by their Command, hath been printed.

It recites:

‘ That by an Act, 7 & 8 *W. III.* a Remedy is provided for the Recovery of Tythes and Church Rates, not exceeding the Value of *Ten Pounds*, where Quakers refuse to pay them;

‘ That by another Act, 1 *Geo. I.* the said Remedy is extended as well to Tythes, as to all other Rights, Dues, or Payments from any Quakers belonging to any Church, Chapel, or the Minister or Curate thereof:

And it further recites,

‘ That it may be convenient to extend this Provision to a further Sum.

It therefore enacts,

‘ That where any Quakers shall refuse to pay or compound, any two or more Justices of the Peace (other than such Justice as is Patron of the Church, or interested in the Tythes) upon Complaint of the Parson or Proprietor, or Collector, shall summon such Quaker to appear before them, and either upon Appearance or Default of Appearance (such Summons being duly proved upon Oath) shall proceed to hear the Complaint, and to state what is due, and by Order under their Hands and Seals to direct the Payment thereof, so that the Sum ordered do not exceed (a Sum to be limited by this Bill) and shall order reasonable Costs, not exceeding (a Sum to be limited by this Bill;) and upon the Refusal of such Quakers to pay according to such Order, it shall be lawful for the said Justices, by Warrant, to levy the Money by Distress and Sale of the Goods of such Quaker, rendering the Overplus (the necessary Charge of Distress being thereout first deducted.) And any Person finding himself aggrieved by this Judgment, may appeal to the next General Quarter

‘ Quarter Sessions, and the Justices there present shall
 ‘ proceed finally to hear and determine the Matter, and
 ‘ to reverse or affirm the said Judgment; and if they
 ‘ continue the Judgment, they shall give such Costs
 ‘ against the Appellant as they shall think reasonable;
 ‘ and no *Certiorari*, or Writ from any Court shall re-
 ‘ move or supersede their Proceedings.

It is further enacted, ‘ That if the annual Value of
 ‘ such Tythes or Dues doth not exceed the Sum (to be
 ‘ limited by this Act) no Quaker shall be sued in any
 ‘ other Court or Manner, unless the Title of such Tythes
 ‘ shall be in Question;

‘ And that if the Person against whom such Judgment
 ‘ shall be had, shall remove out of the County, Division,
 ‘ or Corporation, after such Judgment, the Justices
 ‘ who made the Order, shall certify it to any Justice of
 ‘ such Place to which the said Person shall be removed,
 ‘ which Justice is authorized to order such Sum to be
 ‘ levied on the Goods and Chattels of such Person, in
 ‘ the same manner as the other Justices might, if such
 ‘ Person had not been removed.

‘ Provided always, that no Distress shall be excessive
 ‘ or unreasonable, but proportioned, as near as may be,
 ‘ to the Value of the Sum.

‘ Provided also, That where any Quaker complained
 ‘ of, for subtracting, withholding, not paying, or com-
 ‘ pounding for such Tythes or Dues, shall insist upon
 ‘ any Prescription, Composition, or *Modus Decimandi*,
 ‘ Exemption, Discharge, Agreement, or Title, where-
 ‘ by he ought to be freed from the Payment in question,
 ‘ and shall deliver the same in Writing to the said Justi-
 ‘ ces, that then they shall give no Judgment in the mat-
 ‘ ter, but that the Persons complaining shall be at liberty
 ‘ to prosecute in any other Court, as if this Act had not
 ‘ been made.

‘ And it is enacted, That so much of the before re-
 ‘ cited Act as relates only to the Recocery of Tythes or
 ‘ Dues shall be repealed;

‘ And that any Person sued for any thing done pur-
 ‘ suant to this Act, may plead the General Issue, and on
 ‘ that, or any other, give this Act and the Special Mat-
 ‘ ter in Evidence; and if a Verdict or Judgment shall
 ‘ be for the Defendant, or if the Plaintiff be Nonsuit,
 ‘ or discontinue the Action, the Defendant shall recover
 ‘ treble

* treble Costs; and no Suit shall be commenced for any
 * thing done pursuant to this Act, unless it be brought
 * within a limited Time after such Cause of Action
 * arises;

* And lastly, This Act is declared to be a publick
 * Act.'

This is the Tenor of the Bill:

A Bill, which by a peculiar Fate, no sooner was brought into Parliament, than it united certain R. R. P-----tes in the closest Combination against it; and *they*, whose reciprocal Hatred was as fierce as the Rivalship for Power, which occasioned it, was unchristian and scandalous, at once laid aside their Animosities to oppose this most reasonable Bill, dreadfully collecting the Force of their several Abilities in a formidable Pamphlet, after having in their *Feuds for Supremacy* been hardly prevailed on to support the Provocation of each other's Company.

From this unexpected Alliance, hath arisen the Clamour of the *Country Parson* against this Bill; a Clamour indefatigably promoted, but by nothing more successfully than by the Words of the Plea, *viz.*

* As I am a Subject of *Great Britain*, as well as a
 * Minister of the Gospel, I have a *Birth-right in the*
 * *Law*, and in having all Questions relating to my
 * Property determined in the Methods of Justice used in
 * this Kingdom, and not referred to an arbitrary Decision. *Nulli negabimus Justitiam*, is the Language of
 * *Magna Charta.*

This is a Suggestion, that the Bill deprives the Clergy of their Birth-right in the Law, that it subjects them to a Determination of Property not used in this Kingdom, that it refers them to an arbitrary Decision, and denies them the Justice which is promised by *Magna Charta*.

Some of these Complaints appear upon Examination to have no Meaning, and others to have no Force; that is, they might be Objections, did not they want the Foundation of Truth.

The Allegation of the Clergy's *Birth-right in the Law*, as applicable to the Affair of Tythes, would make a Stranger imagine, that either they were born with the *indelible* Character upon them, or that every Priest had Institution and Induction of a Benefice, even *in his Mother's Womb*.

If

If the Tythes, if the Dues, if the Maintenance, which is now paid to the Clergy, were entirely taken away, they would lose no Birth-right they have in the Law; they might lose the Benevolence, which they receive from the Law, and which the Legislature have the same Right to resume, as ever they had to establish, if the same Reason which induced the Grant should require the Resumption, if *Publick Good* should call upon them to reverse what their Ancestors consented to from no other Consideration.

But the Bill hath not proposed the taking away of their Maintenance. It gives them such Methods of suing for it, as may be least vexatious in the Proceeding, and least oppressive in the End: a Method of recovering their Maintenance, which may not consume the Substance of those whose Labour maintains them.

This Recovery being given by the Judgment of two Justices of the Peace in the County, where the Complaint arises, or, upon Appeal, by the General Quarter-Sessions of the County-----by what Colour or Pretence can such Accusations be brought against it?

The Words of the Great Charter, *Nulli negabimus Justitiam*, are spoken by the King, who is supposed (says the Lord *Coke*) to be present in his Courts of Justice, declaring, *We will deny Justice to no Man*.

These Words intend, that the Subject shall have Resort to a certain Court wherein he shall be determined; and not that he shall sue in every Court according to his Fancy;

Otherwise, he might sue in the high Court of Parliament for the Sums of *six* and *eight Pence*; for doubtless, the King is present as well there as in any inferior Court, and is speaking the same Words, *Nulli negabimus Justitiam*.

The Words then give no Man a Right to be heard in what Court he pleases, but in such as shall be appointed him;

And this is the *only* Birthright, which either Clergy or Laity can pretend to have in Determinations of Questions relating to their Property.

If the Court of Chancery by Injunctions shall stay Proceedings in the Courts of Common Law; if the Courts of Common Law by Prohibitions shall stay the Proceed-
ings

ings of Ecclesiastical Courts, is the Justice promised by *Magna Charta* denied to the Party who may not prosecute in those Courts?

-----No; for, he is not to have the Advantage of *Law* contrary to good *Conscience*; nor is any Man to sue in an improper Court, nor any Court to have Cognizance of an improper Cause.

And if the Courts of Common Law comprehend within their Jurisdiction the full View and Superintendency of the Ecclesiastical Courts, if the Courts of Equity have the same Compass in reviewing and superintending the Courts of Common Law, with Power to abridge and restrain their Proceedings as Justice may require;

Hath not the Legislative Power, the Parliament of the Kingdom, *supreme Cognizance* of all Courts and Methods of Recovery, with like Power to restrain Suits, as they shall see Cause?

By *Magna Charta* the King is sworn to *deny no Man Justice*, to *delay no Man Justice*, &c. that is, he is sworn to *execute* the Laws.

But, is the Parliament bound not to alter the Laws, or not to amend, explain, and repeal them, as the Good of the Kingdom shall require?

The King, as *Chief Magistrate*, is under this Restraint: In this Capacity He cannot have Cognizance of Publick Convenience: but the King, Lords and Commons, as *Legislators*, cannot be restrained. They must provide for *Publick Convenience*, as superior to all other Considerations: So that to limit *Parliamentary Power*, as if it were *Regal Power*, is incongruous with Legislation, and not to be charged on the Words of the *Great Charter*.

If therefore the *Country Parson* is enabled by Parliament to sue in any *certain Court*, and may receive a Determination according to the Usage thereof, *Justice is not denied him*.

The Words of the *Plea*, in setting forth the Hardships the *Parson* must suffer from this Bill, suggest, that the Power of Justices of the Peace to determine Questions of Property without Appeal, is a Method of Justice not used in this Kingdom:

A Suggestion so false, and so fully to be disproved by every Day's Usage, grounded on the Laws of the Kingdom made under many Kings, that I will charitably hope the Author of the *Plea* rather forgot than concealed the Facts which confute him.

It is a Method of Justice used in Questions of Property between the King and the Subject, where the Publick Revenue and the Trade of the Kingdom are concerned, and where the Value of the Property in Question, must beyond all comparative Proportion exceed the Value of the whole Tythe of the Kingdom.

Thus the Statute 12 *Car. 2 Cap. 24.* gives the General Quarter Sessions of the County Power to adjudge, to levy, mitigate, compound, or lessen the Forfeitures and Penalties of Persons offending against the Laws of Excise;

And no *Certiorari* shall supersede their Proceedings, or any of their Orders relating to Excise.

By the 14 *Car. 2 Cap. 11.* Any Justice may commit Persons hindring Officers of the Customs in the Execution of their Offices; and the Justices at the Quarter Sessions may inflict the Penalty of 100*l.* upon him.

By 1 *Jac. 2. cap. 19.* the Justices of the Quarter Sessions are Yearly at *Easter* and *Michaelmas* to ascertain the Market-Price of Corn or Grain imported.

As by 5 & 6 *W & M. cap. 7.* they are to settle the Price of Salt and Rock Salt.

And by the Statute 8 *Annæ, cap. 18.* two Justices may settle the Assize of Bread, from whom there may be an Appeal to the General *Quarter Sessions* only.

Also by the Statute 12 *Annæ, Parl. 2. Sess. 1. cap. 18* three Justices have Power to adjust the Charge of Salving stranded Goods.

And further, Justices of the Peace have Power given them,

By the 20 and 32 *Car. 2.* to convict Persons who offend against the Acts prohibiting the Importation of Great Cattle, &c. whom they may imprison for three Months.

By the 1 *Annæ, cap. 21.* they have Power to convict Persons knowingly, receiving, or buying Goods clandestinely run or imported, whom they may, (for want of Distress) imprison for three Months.

By the 2 and 3 *Annæ*, *cap.* 14. they have Power to convict Persons who do not pay the Penalty of 20 s. *per.* Bushel for Salt brought from *Scotland*, whom they may imprison six Months.

Power is likewise given by the 10 and 11 *W.* 3. *cap.* 22. That the Justices of the Peace at their General Quarter Sessions shall hear and determine Matters relating to the Duties on Salt, upon any Appeal by Persons grieved by the Judgment of two Justices; and the Determination of such General Quarter Sessions shall be final.

And by the Act 1. *Geo.* *cap.* 10.

One Justice of the Peace may convict Persons offending in the Fish-Trade, and levy the Penalty of 20 *l.* by Distress, or for want of it commit the Offenders to twelve Months Imprisonment.

And by the Acts *Geo.* 1. *cap.* 21. and 8 *Geo.* 1. *cap.* 18.

Two Justices residing near the Place where Seizures of Brandy or Vessels of the Burthen of fifteen Tuns shall be made, by Virtue of any Acts relating to the Customs for carrying uncustomed prohibited Goods from Ships inwards; or for re-landing Certificate or Debenture Goods from Ships outwards; and where Seizures of Horses, or other Cattle or Carriages shall be made, for being used in the removing or conveyance of such Goods:

Shall examine into, hear and determine all such Seizures, and their Judgment shall be final, and not liable to any Appeal (*even to the Quarter Sessions*) nor to any Writ of *Certiorari*.

And that the Justices of Peace may be enabled to hear and determine Questions of Property, it is enacted by

The Act 7 & 8 *W.* 3. *cap.* 30. that Persons refusing, when summoned by such Justices to appear and give Evidence on any Information before such Justices, for Offences against the Laws of Excise shall forfeit ten Pounds.

It will now be incumbent on the Clergy, or their Advocate this *pleading Parson*, to shew why the Clergy's Property in Tythe should not for the Ease of the Subjects of *England*, and for the Attainment of speedy Justice, be heard and determined by the same Methods which the Treasure of the Crown, and the Property of Merchants

and Persons interested in all the Branches of Trade must submit to *without Appeal*.

These Laws affect not only the Liberty and Property of private Dealers, not only the Revenue which supports the Civil Government, but the Interest and Estates of that vast Body the National Creditors, who have trusted their Properties to the Faith and Honour of Parliaments; nor do these Laws less affect the Funds on which the current Service of the Year, and the Safety of the King and Kingdom must at all Times greatly depend.

These Laws, as they were enacted to determine Questions of Property, in Cases of this transcendent Value and Importance, have been always esteemed Laws of rigorous Advantage in favour of the Property which they are to recover and maintain.

They are Laws which by those *Persons who are sued* in Consequence of them, and according to the Methods prescribed in them, have ever been conceived less indulgent or eligible than any other Laws upon which Suits or Prosecutions may be grounded.

And the Extension of these Laws to other Branches of Trade, as it was lately proposed, occasioned the greatest Uneasiness amongst those who are *liable to be sued* in these Methods, that ever was known in our Times.

Yet this severe and rigorous Method of Justice have the People called *Quakers* desired of the Legislative Power for the Recovery of *Tythes against them*, rather than continue liable to the Multiplicity of Suits, the Protractions of Causes, and excessive Costs of Suit, which are not less grievous to themselves, than odious to the Laws, and repugnant to natural Justice.

They wish not to be sued in this Method, because it is indulgent; They and all Mankind know it to be a Method sufficiently severe upon those *who are sued*: but they pray it from a reasonable View, that they may not be ruined by Suits in all Shapes carried on without End.

They know it to be a *sure Method* of recovering Tythe, and are only solicitous for it, because it is short and speedy.

This may be the *Country Parson's* real Objection to the Method. For, he may desire to prosecute the *Quaker* as an *Obstinate Nonconformist*; he may gratify unchristian

alian Revenge against Dissenters, by carrying on oppressive Suits against them; and may for this equitable Reason complain, that any Restraint of such Suits denies him the *Methods of Justice* used in this Kingdom.

It appears from the Statutes already cited, to be a Method of Justice ordained by Law in Cases of the most general, important, and valuable Concern.

But whilst this *Reverend* Order oppose it, as a Method of Justice not used in this Kingdom, and therefore not fit to be used in determining Questions which relate to *their Property*:

Can it be thought credible that the Clergy incited, pursued, and established it themselves, as a Method of Justice in punishing *Quakers*, and all other Protestant Dissenters, *for the Worship of God* according to their Consciences, inflicting upon them Fines, Imprisonment, and Banishment from their Country by the same *Arbitrary* Decision; which as zealously as it was sought for in taking away the Estates of Nonconformists, is so grievously complained of, as taking away the Birthright of the Clergy in the Law, and depriving them of their Maintenance?

If we look back to the Act made in the fourteenth Year of *Charles the Second*, entitled, *An Act to prevent Mischiefs and Dangers arising by the People called Quakers*;

There it will appear, that Justices of the Peace, at the Quarter Sessions, had Power to convict by *notorious Evidence of the Fact*, and to fine, punish, and transport Quakers, on Conviction of their holding that Persuasion.

Strange! that the Clergy should think the *arbitrary* Decision of a Quarter Sessions competent to take away the Fortunes of this People, to banish them from their Country; yet incompetent to determine Suits brought against them for Tythes!

With Regard to Protestant Dissenters of all Denominations, the *same Method* of Prosecution was established by the Influence of the Clergy.

The *Oxford five Mile Act*, so called, because it restrained *dissenting Teachers*, from coming within *five Miles* of any Corporation, 17 Car. 2. cap. 2.

Enacted,

Enacted, that two *Justices* might commit Offenders of their own convicting to no less than *six* Months Imprisonment.

And by the Acts to suppress *seditious Conventicles*, viz.

I. The Statute 16 *Car. 2. cap. 4.*

Two Justices were authorized for the first Offence to fine the Party five Pounds, or to imprison without Bail for three Months, and their Certificate was to be a Record of Conviction.

2. For the second Offence they were to inflict a fine of ten Pounds, or six Months Imprisonment.

3. And, for the third Offence they might transport the Offender for seven Years, unless he paid one hundred Pounds before the End of the Sessions,

II. The Statute 22 *Car. 2. cap. 1.*

The Convictions were to be by two Justices of the Peace, and the Fines to be levied by their Warrants of Distress, though in some Cases to the Value of *twenty* Pounds.

2. The Appeal of the Party aggrieved was to be to the *Quarter Sessions*, and no Court was to intermeddle with any Causes of Appeal upon this Act, but they were to be finally determined by the *Quarter Sessions* only.

3. And a Justice of the Peace in one County, was to certify to the Justices in any other of the Flight of the Offender.

These Laws which were obtained before the *happy Revolution*, and were dispensed with afterwards by the *Toleration Act*, in favour of the Protestant Dissenters in general, and by the *Affirmation Act* in favour of the Quakers in particular,

SHEW the *Decision of Justices* to be a Method in great Repute and Estimation with the Clergy before the Revolution.

And though they now suggest it to be a Method of Justice *not used in the Kingdom*; yet the Clergy themselves, after the Revolution, inserted the Clauses in the *Affirmation Act*, which gave Justices of Peace the *first Cognizance of Quakers Tythes*.

They inserted them in a Law which had no relation to Tythe, and they would not agree that the Quakers Affirmation should be taken instead of an Oath, unless Justices

Justices of Peace might be trusted with this *arbitrary* Decision of their Tythes.

A Decision which they think reasonable to conclude the Quaker, but not the Parson in Questions relating to Tythe.

Thus the Power of *Justices of Peace* is a good and wholesome Provision, when given for the Benefit of the Clergy. But an unjust and *arbitrary* Method when used for the Ease of the Quaker.

Thus it is right to shut the Quaker out of all the King's Favour; when the Parsons holds it expedient to recover Tythe in the Country; but it is denying the Parson the *Justice of the great Charter*, if contrary to his Option he is referred to a Decision in the Country.

Thus the Quaker shall have no Option of Courts of Justice to Defend the Property, which the Law hath given him in *nine Tenths* of his Substance;

But the Parson shall claim Liberty to prosecute in Town and Country, in *Westminster-Hall*, the *Ecclesiastical Court*, and the *Quarter Sessions*, without Restraint, for the single Tythe in which he hath an Interest, or he will complain that the Justice of *Magna Charta* is denied him:

And, the Quaker shall have suffered Prosecutions for forty Years together;

Yet the *Country Parson* shall tell us, that this Decision by *Justices of the Peace*, takes away the Clergy's Birth-right in the Law, and is a Method of Justice not used in this Kingdom.

The Country Parson, *I say*, suggests it;

For, I can hardly believe, that any Man above that *low Character*, would be so scandalously weak, as to suggest a *Fact*, which the poorest *Country Plowman*, from daily Experience, must know to be false.

And were it possible, that one of *greater Eminence* could so far be wanting in his Duty to Truth, to his God, and his Reputation, it would shew him to be confirm'd in that *unblushing Prostitution* which takes Delight in the want of honest Shame, though Enemies rejoice, and Friends are confounded at his Infamy.

A Parson of this Habit only, could be capable of adding to the Number of unjust Complaints, the Clamour
against

against the Determination of Justices in their Quarter Sessions, *as an arbitrary Decision!*

As if it were *more* arbitrary than a Decision of a Court of Equity, where a Clergyman must sue for his Tythes if he is dissatisfied with Common Law.

Or, as if it were more arbitrary than the Decision of a Court of Deligates, where he must have his last Resort, if he sues by Ecclesiastical Process.

It might be thought, from this Complaint of an *arbitrary Decision*, that the Clergy were remarkably fond of Trials by Juries, where the Verdict is in the Judgment of Twelve Men especially impannelled at every Assize: And that they oppose a Decision by *one* or *two* only, and dislike a Dernier Resort to a *Standing set of* Justices.

Yet, strange as it may seem, it is certainly true, that of 1153 Suits for Tythe against the Quakers, 1094 of the Number sought either for the *arbitrary* Decision of Courts of Equity, where the last Resort is to the House of Lords, or for the *more arbitrary* Decision of Ecclesiastical Courts, where the last Resort is to a Court of Deligates.

The Bill now depending being to compel the Parson, as well as the Quaker, to abide by the Decision of the Court of Quarter Sessions;

And amending the Acts of King William and King George the First, which gave the Parson his Option of suing in this Method, this Bill being intended to restrain him from suing in any other:

Let us hear the Country Parson's Objection to this Variation of the Law.

' The Acts of King William (says he) took no Remedy from me; they provided an easy Remedy for the Recovery of Quakers Tythes and small Tythes, they did not shut up the King's Courts against me, but left me at liberty to take the new Method, or, if it was necessary, to resort to the old ones.

' For this I had Reason to be thankful, and have always chosen the new Method for my own sake and my Neighbour's sake.

After such an Acknowledgment that the Remedy is easy, that the Parson had Reason to be thankful for it, and always had chosen it; Would any Man believe that since those Acts have taken place, the Clergy have carried

on

on in the most oppressive Methods no less than 1153 Prosecutions?

The Reason of which rigorous Suits seems to be, that the more Gentle do not answer the Parson's *Intention in Suing*.

This Intention is best to be understood from the Words of the *Country Parson's Plea*, which asserts, that the Law was designed to *punish* the Quaker withholding Tythe from the Parson.

So that the Recovery of Tythe is not sufficient to the Parson, unless he can *punish* by the Method in which he *recovers*.

The Parson, as a Principle of his Religion, holds Tythe to be of *Divine Right*.

The *Quaker*, as a Principle of his Religion, holds Tythe to be abolish'd by the Institution of the *Christian Church*.

The Law gives the Parson Tythe as a *Temporal Interest*; And the Parson goes to Law not only to recover Tythe, but to avenge the *Divine Right* of his Order upon the *poor Quaker*, who calls it *Antichristian*.

He knows the Quaker cannot yield that Tythe which all of his Sect hold to be against Conscience.

He can by Law recover it in any Court; And if the Proceedings of some Courts are more expensive than others, he will sue in those Courts, that he may *punish* the Quaker in the Method of *recovering* Tythe.

This may agree with the boundless Ambition and causeless Cruelty of *selfish Ecclesiasticks*, but it would be reproachful to the Justice of a Legislative Power, that should allow one Part of the Subjects to take Advantage of the Unhappiness, the Infirmary, or Religious Prejudices of another Part, for the Ends of Vexation and Oppression.

Yet this is the Case, whilst the Parson may worry Quakers for Tythe in every Court at his Will.

If the Parson sues in the Exchequer, or prosecutes in the Ecclesiastical Courts, he can oppress the *Quaker* with heavier Costs; and perhaps, by Litigiousness, may for the Benefit of his Church, add the tenth Part of a Farthing to the Rate of his Tythe.

Will the Parson then be so charitable as to sue before the Justices, who can only levy his Tythe, but not oppress the Quaker with Costs?

No: for the Law, *says the Country Parson*, was made to PUNISH the Quaker for defrauding me of my Tythes.

He will prosecute where he may *punish* the Quaker with the greater Effect; and that Court whose Proceedings are most chargeable will be the Court, wherein the Parson can most *punish* him.

Therefore,

To make Ecclesiastical Power terrible among Non-conformists, to subdue their Opposition to the Pride, the Insolence and Usurpation of unconscionable Churchmen, to make severe Examples of those who oppose *Divine Right*, and to indulge a litigious insatiably-covetous Temper;

The Parson will sue for Tythe, not where he *may* easily recover it, but where he *can* with greater Advantage at once *recover* and *oppress*.

This is called a foul Charge on the Clergy, and their Advocates want a Specification of Suits, that they may be able to vindicate their Conduct.

The Suits shall be specify'd in the proper Course of Enquiry-----In this Place it is enough to observe, That as foul as the Charge can be, 'tis a Practice which every Clergyman hath at his Option; and whether it be fitting that the Clergy should be trusted with *Power to Oppress*, is a Question of so easy a Discussion, that they have not a Friend in the World, who, as to his own Particular, would choose to *live at their Mercy*.

It is taking away this Power to oppress, which occasions so great an Alarm.

The *Country Parson*, zealous for this Power, pretends, that the Want of it will expose him to Injury.

' The Quaker, *says he*, knowing that I have no Resort to the Law, but must be concluded by the Justices in the Country, will not only keep all my Tythe from me, but will use all his Art and Application to reduce the Value by the Judgment in the Country.

' The Justices in the Country will be under a Temptation to use this Power to cultivate an Election-Interest.

' Many Quakers are Freeholders; and as they are great Traders, have Influence over many others, and will act as one Man in Opposition to the Parson:

' I have

‘ I have but *one Vote* for the County, and *no Interest*.

This Objection is grounded altogether on a Supposition,

That the Quakers, one of the lesser Bodies of Dissenters, are stronger in Property and Interest, than all the Clergy of the *Church of England*, the two Universities included ;

Consequently, That the Quakers Weight in Trade will bear down the Clergys Weight in Land ; And,

That Country Gentlemen will court an Election-Interest, rather among the Quakers than the Clergy ; whereas in Fact, two Thirds of the Counties of *England* are governed in their County Elections by Church Interest ;

And in such Counties will the Quaker or the Parson be most likely to prevail by the Partiality of Country Gentlemen ?

This Parson says *he has but one Vote*, which is hard upon him ; because, to my Knowledge, He hath *more than one Benefice*.

He says *He hath no Interest*, which I am equally sorry for ; because, if it is true, it is owing to his *very bad Character*.

But can this Allegation be general ; Can a Beneficed Clergyman have no Interest where he hath such a Property as *Tythe*, and where every Farmer must submit to his Will, to avoid oppressive Prosecution ?

This Power of maintaining a Multitude of Suits is the most formidable Power of the Crown. And, if an Officer of Excise can in some Degree influence Votes in Elections by his Power to oppress (which many Statutes, provided to restrain such Influences, have declar’d) Can a Clergyman having Power to prosecute, be without the same Influence over the Votes of his People ? and is there not the same Reason to restrain it ?

Every Clergyman, by his Interest with the more devout and yielding Sex, by his Intercourses with the Sick, by his knowledge of all the Family-Affairs in his Parish, and by reconciling even the Quarrels which He foments, may procure to himself the highest Influence over the Votes of his People.

When the Weight of his Property in their Lands is added to his Interposition in their private Affairs; when Fear co-operates with Kindness, and He can awe those into Submission whom He cannot persuade to love Him.

What Parishioner, having a Vote in Elections, can refuse it to the Request of his Parson?

I was ever of Opinion, that a Clergyman must have the worst Judgment of any Man in his Neighbourhood, if he hath not the best Interest.

And, the Pretence that Tryals of Tythe by Justices of Peace will become subservient to an Election-Interest, might naturally make a Quaker fear to abide this Tryal, where the Bias of the Court must by so great a Probability be in Favour of the Clergy.

But is this the Difference between the Parson and the Quaker?

The Justices, if ever so much biaßed, can only by a speedy Decision levy the Tythe; and, this will not agrieve the Quaker:

Whereas the Parson covets a protracted Suit in an expensive Court, which may not only recover his Tythe, but gratify his Revenge.

With this View he magnifies the Quakers Dealings in Trade, and Interests in Elections;

As if it could transcend that Interest in Land, and Power in Elections, which the Tythe of the Clergy, the Endowment of Chapters, Colleges, and Universities, and the Episcopal Revenues of the Kingdom, have established in Favour of the Church:

A Power, that every Man sees to be daily increasing from the Capacities of that Corporation, which is enabled to purchase all the Lands of *England* in *Mortmain*:

A Power, that will, in the Course of Time, if it be uncheck'd in its Progress, extend its Sway over all the Property of the Kingdom, tho' contrary to the Genius, and tending to the Destruction of this free Government!

With the View of Supporting this exorbitant Power, the *Country Parson* takes the infamous Liberty of taxing the Justice of all Mankind.

'Tis his Grievance, That,

1. ' By this Bill he must be ty'd down, for the Value of his Tythes, by the Judgment of two Justices, out of
' whose

‘ whose Lands the Tythe arifes, and whose Tenants pay it.’

2. ‘ The two Juftices who gave the Sentence will be on the Bench at the Quarter Sefſions, or if they are not, it may happen, that their Brother Juftices may think it more expedient, that a Parſon ſhould loſe forty or fifty Shillings (a great Part of the Demand) than that two worthy Gentlemen Juftices of the Peace ſhould be ſuſpected of Partiality.’

3. ‘ The eſtabliſhed Miniſtry will be left without a Maintenance, by the Iniquity and Partiality of Witneſſes, who are generally Farmers and Countrymen, and undervalue the Tythes though by Evidence upon their Oaths.

This is the decent and charitable Manner in which the *Country Parſon* expreſſes himſelf of the whole People of *England*, from the Country Gentleman down to the Country Farmer :

As if the Gentlemen *in the Commiſſion of the Peace* for the ſeveral *Counties of England*, had not as fair a Reputation for Juſtice, and as few Temptations to be partial as the Judge, of an Eccleſiaſtical Court, who, though the Creatures of the Clergy, fit there to decide the Properties of Laymen : Or,

As if it were a foul Charge on any Man who wears a Caſſock, to ſuppoſe he will be oppreſſive in his Suits, or enormous in his Exactions, though manifeſtly for the enriching of his Family, and impoveriſhing his Adverſary ;

Yet a modeſt and fair Accuſation, that none of the Gentlemen of *England* are ſufficiently impartial, to render Juſtice between Clergymen and Quakers.

The firſt Allegation,

‘ That the Parſon will be ty’d down for the Value of his Tythes to the Judgment of two Gentlemen, out of whoſe Lands the Tythe arifes, or whoſe Tenants pay it,

Is abſolutely falſe :

Be cauſe, 1. The Bill excepts ſuch Juſtices as are *any ways intereſted in the Tythes* ;

2. The Parſon who may complain to *any two Juſtices*, never will complain to *any one*, out of whoſe Land the Tythe arifes, or whoſe Tenant pays it ; but

He

He will have the whole Commission of the Peace, to pick two Justices out of, and will certainly apply where he hath most Expectation of Partiality to his Order.

The next Allegation,

‘ That when two *Justices of the Peace* have given Sentence, the *Gentlemen of the County* may think it more expedient that the Parson should lose forty or fifty Shillings (a great Part of his Demand) than that two of their Brethren should be suspected of Partiality; Is absurd, malicious, false, and scandalous.

It not only reflects on the Honour of the Gentlemen of *England*; but supposes, that two Justices cannot err in their Judgment without Suspicion of Partiality: And,

It supposes, that all the Gentlemen of a Country will be partial and unjust, rather than that two of their Brethren should be accounted erroneous in any particular Judgment.

Did the *Country Parson* learn to think thus of *Judicial Proceedings* from those in *Ecclesiastical Courts*? Is the *Chancellor* of the Diocese, or the *Dean* of the Arches, partial in favour of the Clergy, lest the Church suffer Scandal from the Supposition that a Clergyman, who loses his Cause, is unjust in his Suit?

What have the landed Gentlemen of this Kingdom done to offend *this Parson*, that they, who of all others are most interested in the publick Happiness, should be treated as least of all qualify’d to administer publick Justice?

Or, that they should be treated as a Band of Rapparees, combin’d to support each other in Acts of Injustice;

And, lest to be suspected of deciding Suits *impartially*, than that wooden Implement of Church-Power, who judges by Commission from the Clergy, who owes them Partiality in Requital for his Promotion, and is tempted to encourage a Multitude of Suits to encrease his own Fees of Office?

I hope the Gentlemen of the County wherein this candid Parson resides, will make him the most publick Acknowledgments of these indiscriminate Reflections, which so remarkably distinguish his Humanity as a Gentleman, his Politeness as a Scholar, his Meekness as a Clergyman, and his Charity as a Christian.

But

But I hope at the same time, that he will never be admitted to sit amongst them; because a Man, who can think of them as such a partial *Set* of *Miscreants*, may probably be an Example to justify his own Reflections.

And as to the Charge on the Farmers and Countrymen, who are represented in every Part of *the Plea*, as robbing the Clergy of their Maintenance by their *Iniquity* and *Perjury*, in undervaluing the Tythes, it will be a sufficient Answer in general, that if there was less Avarice and Injustice in the Clergy, they wou'd be less forward in accusing the Country of Iniquity and Perjury.

It is Fact, that the *Farmers* in general never gave the *Parson* so high a Rate for his Tythe, but he look'd on it as below his due, and were they to give him *nine Tenths* of their Substance, it would not satisfy the ravenous Spirit of some Clergymen, so long as the Farmers retain *one Part in ten* to themselves.

Is this severely spoken of the Clergy? Let any Man judge whether it can be more severe than warrantable, when provok'd by a *Clergyman*, who is capable of defaming all the *Gentlemen* of *England* as partial and unjust Judges, and the whole *Yeomanry* of *England* as Knaves in their Dealings, and *perjur'd Villains* in Courts of Justice.

Persuading myself, that so much as hath been said on this Subject will vindicate the Honour of *English* Gentlemen, and their Competency for the Jurisdiction which is given them by this Bill:

I proceed to examine the rest of the Pretences, that it must injure the Parson's Property:

Of which none can be more enflaming, than the Complaint in the 16th Page.

' No Quaker, says the *Parson*, will, after such a Law shall be made, set out his Tythes, but will retain them to his own Use; and I shall be debarred of having them *in kind*, how necessary soever they be to my own, and my Family's Subsistence.

' By this Law, the Parson cannot set his own Tythe, and carry it away, but the Occupier of the Land must set it out; and if the Parson intermeddle with the Corn before the Occupier hath set out the Tythe, he is liable to an Action.

' The

‘ The Quaker’s Conscience will not permit him to set out the Tythe: so that with the Law on one Side, and the Quaker’s Conscience on the other, no Tythe can ever be set out in this Case.’

Would any Man imagine, after this grievous Complaint of the Law on one Side, and the Quaker’s Conscience on the other, that the Bill actually gives the Parson a better Remedy than ever to receive his Tythes in Kind? And, that if they are really necessary to his own, or his Family’s Subsistence, he may have them in Kind of the Quakers by the Aid of this Bill?

He says, the Quaker’s Conscience will not permit him to set out the Tythes:

But then, *the Bill says*, the Justices Warrant shall immediately levy these Tythes:

So that the Distress may be made upon the tytheable Matter, and the Parson may have it in Kind, with better Measure than if the Quaker had set out his Tythes;

And the Quaker shall pay the Costs.

This is easy Justice.

But the Parson hath alledg’d, ‘ That by the Laws in Being, he may recover *Treble Damages* of every Quaker not setting out his Tythe.’

This is the Parson’s real Objection against the Bill; and a most *Conscientious* Objection it will appear to be; For,

The Parson knowing the Quaker to be restrained by *Scruple of Conscience* from setting out his Tythe, looks upon the Penalty of *Treble Damages* to be a sure Interest, which he hath at present in every Quaker’s Property; and whereas he hath but *one Tythe* of any other Man, he takes *Three* of every Quaker, or *Six Shillings in the Pound* from the Produce of the Land, besides destroying great Part of the Remainder, by loading him with Costs of Suits.

Can you think then, that the *Parson* will consent to a Law which may pin him down to his *Tythe only*, and not allow him to recover *treble Tythes* of every Quaker in his Parish?

Can you think that, whilst the Quaker’s Default of *setting out Tythe* is so profitable to the Parson, he will ever consent that a *Justice of the Peace* shou’d set them out for
the

the Quaker, and save the poor Man from the Penalty of a Default?

This is *Reason* with a Parson against the Provision of this Bill, but can never be a Reason with any other Man. It may be an Interest of precious Concern to the Clergy, but it would be a Reproach to Publick Justice, were they suffered to demand *Three times the Value* of their Tythes in the King's Courts, on pretence of their *not being set out*, when any two *Justices* of the Peace in the Neighbourhood may grant their Warrant to take them in the Field, in the Barn, or wherever they may be found.

If this does not satisfy the Parson, there is an Expedient, which, as I have heard and believe, the Quakers will not oppose, and which must silence the Parson's Objections.

The two Justices of the Peace, who have Power by their Warrant to levy the Value of the Tythes when they are with-held, may by their Warrant authorize a fit Person to set them out when they ought to be paid in Kind.

The Law, in this Case, will not impose it on the Quaker to set out Tythes contrary to his Conscience, nor will the Quaker be subject to pay three Tythes for not having set out one: But an Officer will be appointed to set out the Tythe, which the Quaker, from his Scruple of Conscience, is disabled to set out himself. And the Parson will not then have the Plea of Necessity to justify his going to Law for his Tythes, nor the Seandalous Temptation of suing the Quaker for three times the Value of them.

The Parson may answer, that this will be a Provision for the Recovery of Great Tythes, as *Corn, Hay, &c.* But how shall he take his small Tythes? 'Must I,' *says he*, in the 27th Page, watch when a Cow falls into Labour, or must I keep a Register of all the Calves and Pigs that are born in my Parish?

This leads us to the Objection he makes in the next Page against this Bill;

'As the Law now stands, the Parson can bring a Bill of Discovery in Courts of Equity; in which Case, the Farmer is obliged to set out his tytheable Matter and the Value, and is liable to Prosecution for Perjury.'

* if he is guilty of it. But is every Justice in the King-
 * dom to be erected into a Chancellor? If not, by what
 * Proceeding shall the Parson make a Discovery in these
 * Cases?

It is to be observed, that the Parson first puts a Case of a *Bill of Discovery* to be brought in the Exchequer after this Law shall take Place: Yet in the next Paragraph complains, that no such Bill can be brought there.

He first complains of the Hardships he shall suffer in bringing such a Bill, and next sets it forth as his Hardship that he cannot bring such a Bill. This is Extraordinary!

I know not that the Law proposed will take away the Jurisdiction of Courts of Equity to retain *Bills of Discovery*; I am not certain that the Proceeding by *Bill in Equity* is the most reasonable Method to be used for such Discovery.-----But in Answer to that arch Question-----*Is every Justice to be erected into a Chancellor?* I must say, it seems as reasonable that there should be a Chancellor in every Court of Quarter Sessions as in every Court of the Clergy: And, I think, if the Law must compel a Quaker to discover the Value of his Tythes, that in this Case, the cheapest Method of Discovery will be the Best Method; and that the Justices at the Quarter Sessions, may examine him with as good Effect, (though not with so much Cost) as the Parson can interrogate him with, in the Court of Exchequer.

There is a slight Objection in the same Page work'd up into a loud Complaint, 'That the Justices can't compel Witnesses to attend them.' But to remedy this, the same Clause may be provided in this Bill, as in Relation to the Excise, by the Act 7 & 8 W. 3. which inflicts the Penalty of *Ten Pounds* on any one, who shall not appear as a Witness on Summons from a Justice of the Peace. And,

The Quaker must be equally solicitous for such a Clause, as He must be equally affected by the Want of Means to compel the Appearance of Witnesses.

So that in the Manner of working up this Objection, the *Country Parson* strains it beyond what Truth can justify, and endeavours to make the Clergy think, from this present Want of Power in Justices, that this Bill denies it, because it does not mention it; and that in the
 Manner

Manner of drawing the Bill, it seemeth intended to leave the Property of Tythe precarious :

Whereas a Bill of this comprehensive Nature can hardly be prepared so full in the first Drawing, as to want no additional Clause ; and the Ordinary Forms of Parliament give ample Opportunities for inserting them before it becomes a Law.

It is next objected, That

‘ In the Original Cause before the Justice, the Parson is supposed to have just Cause of Complaint, and to recover in some Share or other, and to be entitled to Costs.

And that

‘ It is probable He may ordinarily be the Appellant to the Quarter Sessions, and Costs may be against him.

‘ How is it then, *says the Parson*, that the Bill limits the Costs in the first Instance when the Parson is to receive them, and leaves them *arbitrary* in the second, when the Parson is to pay them ?

There is nothing more in this Objection, than that *two* Justices are limited in giving Costs, and the *whole* Bench at their Quarter Sessions left to give Costs according to Discretion. And,

1. In the first Instance of Complaint, it may be reasonable to specify the Costs, which shall not be exceeded ; to the End that the two Justices, tho’ ever so partial to the Complaint, may not oppress the Defendant with Costs. But,

2. In the Appeal, if the Parson or Quaker appear to be litigious, it may be reasonable that *all* the Justices of the County should have Power to give *exemplary* Costs, though it might be less safe to leave it in the Discretion of any two of them.

And now we come to the *grievous* Objection against the Bill ; (Page 29) That

‘ If the Parson bring an Indictment or Information against the Quaker or his Witnesses for PERJURY, and fail to make a Legal Proof (as it is suggested he easily may do) in that Case, *the Bill says*, the Defendant shall recover *Treble Costs*.’

Extreamly hard! that a *false* Accusation of Perjury should be liable to TREBLE COSTS!

If the Parson cannot prove *Perjury*, why should he charge it? If the Nature of the Proof is difficult, does not Justice impose this Difficulty? Ought any Man to be convicted of such a Crime from slight Appearances? from a covetous Parson's Suspicion; or from a disappointed Parson's Resentment? And if the Parson wants the Evidence which the Law requires, should the Law allow him unpunished to publish so much infamy?

This is his Manner of moving Compassion for the Clergy;

1. He represents the two Justices, before whom he complains, as unjust Judges.

2. He represents the whole Bench of Justices, before whom he brings his Appeal, as *partial* to the Injustice of their two Brethren.

If he brings a Bill of Discovery in the Exchequer,

3. He represents the Quaker, as perjuring himself to defraud the Parson of his Tythes.

Or, If an Issue be directed by the Exchequer for the Value of Tythe to be try'd by the Country.

4. He represents the Verdict of the Jury to be *very partial*; and,

5. The Witnesses in every Case and every Court to be perjured and corrupt.

Such a Combination is supposed to be in every Country again the Claim of Tythe!

If the Parson (holding all these *Articles of Faith* as *necessary to Salvation*) cannot prove this INJUSTICE, PARTIALITY, PERJURY, and CORRUPTION;

What then?

Why then he must pay *Treble Costs*!

Did ever the *Christian Church* suffer such Prosecution?

Yet a Layman would be set in the Pillory for a *Tythe* of that Defamation, which this Parson hath published against the Justices of this Country.

I confess, if I might judge of a Man's Conscience, who should publish so much Slander against all Ranks and Degrees of Men, I should take it to be of the blackest Complexion. An honest Man will repose a reasonable
Confi-

Confidence in the Honesty of other Men, but *he* who would have no Man thought to be just, seems to wish, that no Man should be in a Condition to do him Justice.

However, since the Opposition to this Bill hath had its chief Support from the Clamour against the Power of the Justices, since the *Gentlemen of England* have been charged with such Corruption, Partiality and Injustice, it hath been proposed, that the *Judge of Assize* should be appointed instead of the Court of *Quarter Sessions*, to hear and determine Appeals; And, the Quakers have not objected to this proposition, because they desire no other than speedy Justice, and will be glad of receiving it any where.

Nor can the Parson object to this final Decision by the Judge of Assize, who can have no Interest to cultivate in the Country, who cannot have any undue Regard to the Justices from whom the Party appeals, and who will not be the same Person at any two Assizes in the same Circuit.

There are nevertheless some Objections against this Alteration of the Bill.

1. It is not yet known that the Judges are willing to be charged with this additional Load on the Business of the Assizes. And, it may not be reasonable to impose it upon them, if it can be other ways disposed of, because the late Acts of Parliament, especially those relating to Discharge of Debtors, have already occasioned more Business to come before them than the usual Time of Assizes will allow them conveniently to determine.

And,

2. The next Objection is of still greater Weight. Such an Alteration would countenance the scandalous Objections against the *Honour of the Gentlemen of England*.

And therefore, I declare myself freely on the Matter, I shall give my *Negative* to it.

Every Gentleman by this time hath formed his Judgment whether the Justices of Peace deserve this Trust; or whether the Power with which this Bill invests them, will be Effectual to the Ends for which it is proposed. And therefore I shall not examine any farther the *Country Parson's*

Parson's Objections, either to their Qualifications for the Cognizance of Tythes, or to the Sufficiency of their Jurisdiction for the Recovery of Tythes. But,

The *general Effect* which their Decisions will have upon the Interest of the Clergy in Tythe, as it is foretold by the *Country Parson*, deserves very particular Notice.

“ The Quarter Sessions Price, *says he*, will be a standing Rule for the Value of Tythes in every County.
“ And

“ The Bill will probably, in Process of Time, introduce a general *Modus Decimandi* for the whole
“ Kingdom.

To this I answer, That,

I cannot see the Probability of any such Consequences to flow from this Bill: Or, that when the Justices have determined the Value of Tythe in one Farm, it will be a Rule for the Value of Tythe in any other.

For, if the Soil is seldom of equal Goodness in any two Men's Lands, (and the Produce must always be in Value according to the Goodness of the Land ;)

Will it be sufficient for any Farmer to say before the Justices, *You have determined the Value of another Man's Tythe at such a Rate, you ought therefore to charge me no higher, though the Land which I farm is of treble Value, and produces a treble Crop ?*

Or, will it conclude the Parson with Respect to any particular Estate that the Justices determined the Value at such a Rate in any particular Year? Will he not shew that the Land hath been improved, the Produce increased, and that the Value of his Tythe is greater than it was last determined?

This infinite Variety of Case, this frequent Difference between one Farmer's Land and another, nay between the same Land in different Years, will make it impossible that the *Quarter Sessions Price*, as declared on any Occasion can become the standing Rule for the Value of Tythe in that County, or even in that Parish where it ariseth.

But if a general *Modus Decimandi* for the whole Kingdom were to ensue; if a *known determinate Value* could be established for the Tythe of every County, though I see no hope of attaining it, I think sincerely,
that

that it would be a general Good as well to the Clergy as the Laity: For,

The Clergy would be endowed with a better Maintenance, though they were allowed a less Rate, and the Laity would be charged with a lighter Burthen, though they paid a higher Rate.

The *Certainty of the Modus* would save the Expence of those unhappy Controversies which impoverish the Parson, who even raises the Value of his Tythe, and which beggar the Farmer, though he brings it below the Value.

The *Title to the Modus* would be simple, clear, and unperplexed; the Recovery of it easy and short. There would be no Occasion of racking the Layman's Conscience to discover on his Oath against the Bias of his Interest. And there could not possibly be an Opportunity of cheating the Parson of his Maintenance, as is now said to be practised, by *Perjury, Partiality, and Injustice*.

The Advantages of this *certain* Appointment for the Maintenance of the Clergy, are manifest in those Parishes, where it is levied by a *Pound Rate* upon the Inhabitants; nor will I deny the Reverend Order this Justice, that, tenacious as they are of the *Divine Right of Tythes*, they have never scrupled to prefer a *Parliamentary Right to a Pound Rate*, where it promised them a better Revenue.

In general, it may be said with Truth, there never was an Imposition on Mankind *more fruitful of Law-Suits*, than the Claim of Tythe, which never knows a certain Value.

Nor was there ever an Imposition more grievous and oppressive than the Claim of Tythe, which takes a Tenth from the Produce of the Poor Man's Labour, who manures the Land, who employs his own Stock to raise the Tythe, and surrenders the Choice of the Harvest to the Priest, who neither ploughs nor sows.

The Improvement of the Land is at least equal to the Value of the Land, and a Tenth Part of the Produce free from all Charges of raising it, is not a Tythe, but a *Fifth Part* of every Man's Property; a standing *Land Tax or Four Shillings* in the Pound upon all the Subjects in England.

If it be considered with respect to *small Tythes*, the Grievance is heaviest upon the poorest of the People. Those who are rather Objects of Charity, and fit to receive Alms, are the Subjects of Ecclesiastical Oppression, and compelled to pay Tythe.

If a poor Widow, the Labour of whose Hands, and the Produce of whose Garden, is the only Subsistence of herself and five or six Children, hath an *Apple-Tree*, she must give the Tenth of her Fruit; if she keep a *Hen*, she must give every tenth Egg, or every tenth Chicken; and if she hath a *Bee-Hive*, she must yield a tenth of her Wax and her Honey,

TO THE PARSON OF THE PARISH;

Who, if he is not satisfied with her Contributions, will prosecute her in the Ecclesiastical Court, and make her depose upon Oath how many *Pippins* grew upon her Tree? how many *Chicks* were hatched? how many *Eggs* were addled? And what Casualties happened in the Management of her BEE-HIVE.

This was the Complaint of *Chaucer's* Plowman against the Priests of his Time;

For the Tything of a Duck,
Or an Apple, or an Aye,
They make Men swere upon a Book;
Thus the foulén Christes Faye.

Is it then unreasonable to complain of *this Tythe* of the Clergy, as the East-Wind that withers the Fruit, the Caterpillar that destroys the Harvest in the Ear, the Locust that preys upon the Property of the Rich, and eats up the Bread of the Poor? an Harpy that carries Law-Suits in one Claw, and Famine in another? that devours what the publick Taxes spare, and is more inexorable than an Excise?

This prodigious Usurpation upon the Property of Mankind makes the Bill before us the more absolutely necessary, and moves all Indignation against the Parson, who suggests, 'That the Bill will encourage the Quaker
' in setting up Right upon the Plea of Conscience to
' another Man's Estate.'

I said to myself,

Doth not the *Country Parson* appeal to every *Man's* Conscience, when he demands Tythe of *Divine Right*?

When he claims it as a *Duty to God*?

And must he not so far allow the *Quaker's Conscience* to decide?

But, says the *Parson*,

‘ I wish the *Quaker's Conscience* could be examined in this Point. Is he a *Land-Owner*? Let him be asked, upon his Conscience, whether he paid any Consideration to the Vender of the Land beyond the usual Price, and upon a Supposition that no Tythes would be due from his Land. Is he a Farmer? Let him be asked, whether he pays more Rent than a *Church-man* used to give for the Farm, and in Consideration of his paying no Tythe. If he cannot say that he either bought, or hired the Tythe (and he can say neither) what Title hath he to it?

I must here observe, That

The *Country Parson* lays down a *Law of Property* by this Examination of the *Quaker's Conscience*;

A proposition,

That if any Burthen upon Land shall continue till it lessen the Value of our Lands, it then becomes a Property in the Usurpers, and the Landed Men shall never be discharged, because all subsequent Purchases are made with the Consideration of such an Incumbrance upon the Land.

There are Three remarkable Cases in our History; which will fall under this Proposition;

I. The ancient *Romescot* or *Peter Pence* was a Penny charged upon every House by *Ina*, King of the *West Saxons*, being at *Rome* in Pilgrimage, Anno 720, and by *Offa*, King of the *Mercians*, Anno 794, to sustain the *English School* there. It amounted to 300 Marks and a Noble yearly for the whole Realm, and was paid to the See of *Rome* on the Feast of *St. Peter ad Vincula*, being the first Day of *August*, till it was abolished by Parliament, 25 *Hen. 8.* Anno 1534.

II. The ancient *Dane-gelt* was a Tribute of one Shilling, and afterwards of two Shillings, upon every Hyde of Land; originally levied for clearing the Seas of *Danish Pyrates*, or for purchasing Peace of them, as by

I

Ethelred,

Ethelred, who raised for this Purpose first 10,000 l. next 16,000 l. then 36,000 l. and lastly, 48,000 l. *Edward* the Confessor released this Tax. It was levied again by the *Conqueror*; and, by *W. Rufus*; but it was released by *Hen. i.* and finally by *K. Stephen*.

III. The ancient Subsidy given from Year to Year by Parliament was usually, as in the 14th of *Edw. 3. Stat. cap. 18. The Prelates, Earls, Barons, and all the Commons of the Realm, grant to the King the ninth Lamb, the ninth Fleece, the ninth Sheaf; and of Cities and Boroughs, the very ninth Part of all their Goods and Chattels, to be taken by two Year to come.*

Numerous Instances of the like Subsidies may be seen in *Rastal's* Abridgment.

Now in all these Cases, *viz.*

1. In the Case of the *Peter Pence*, which continued a Rent-Charge on Houses for the Space of 800 Years;

2. In the Case of *Dane-Gelt*, which continued a Rent-Charge upon Land for the Space of 300 Years; And,

3. In the Case of the *ninth* Part of the Produce of Land, and the *ninth* Part of the Subjects Goods, which continued very long the usual Subsidy to the Crown;

The Value of the Lands of *England* became impaired by Reason of the Charge, and every Purchaser paid a less Price whilst such Incumbrance continued upon them.

But would our Ancestors have suffered either the Pope or the Crown, to examine the Consciences of the People of *England* in the absurd Manner of this Country Parson? Would it have been endured either to set up a *Right in Conscience* to the Perpetuity of *Peter-pence*, or *Dane-gelt*, because every Modern Purchaser had bought his House or Land the cheaper, by Reason of such Burthens upon them?

Doubtless the same Questions might have been asked in the Case of *Peter-pence* and of *Dane-gelt*, as in the Case of *Tythe*, and the same Answers must have been returned.

But the *Parson* asks further,

If

‘ If you bought your Lands and Tenements with these Incumbrances upon them, what Right have you ever to be freed from them ?

I answer, That I have,

The Right of a free Subject, to enjoy the Produce of his own Labour ;

The Right of an *English Man*, to enjoy his own Possession free and clear of all unreasonable Incumbrances ;

And my Title to the incumbred Part of my Estate is so far good as any other Man’s Title to it is bad.

If I buy an Estate with a *Rent-Charge*, an *Annuity*, or a *Mortgage* upon it, and these Incumbrances shall be considered in the Purchase ; yet if afterwards it appears that the Persons claiming this *Rent-Charge*, this *Annuity*, or this *Mortgage*, never had any just Right therein ;

Am I bound to make their bad Title *good* in Law or Conscience, because I bought the Estate cheaper, on Supposition that they had lawful Incumbrances upon it ?

In the Possession of Land I am in the Condition of the *prime Occupant*. I am not bound to shew my Title to any Man ; I am not bound to shew that I bought it, or inherit it. It is sufficient that I possess it, unless he can shew a prior or better Right to it.

And whether I bought my *Freehold* cheaper or dearer, I am by Law and Conscience entitled to hold it as free and clear, as If I had held it from the Creation of the World.

If when the ancient Subsidy of a *ninth Part* had gained Establishment by Course of Time, the Purchase of Lands became cheaper by reason of this Exaction, would not the Crown have had an Estate of Perpetuity in the *ninth Lamb*, the *ninth Fleece*, the *ninth Sheaf*, and the *ninth Part* of the Goods of all the Subjects, by the same Rule of Conscience as the Clergy claim an Estate in the *Tenth* ? Because the Continuance of the Usurpation had lower’d the Rents of all the Lands.

This Doctrine of gaining an *Estate in Perpetuity* through any Imposition upon Land, which by Length of Time makes the *Value of it less* in subsequent Alienations,

tions, and, by pretended Equity, the *Interest in it* less to all new Purchasers;

Is of dangerous Consequence to the whole *Landed Interest* of this Kingdom.

It establishes a Right *somewhere* in a *perpetual Land-Tax*; because within forty or fifty Years time, since the Land hath born this Charge, the Value of Land hath diminished in Proportion; and two Thirds of the Lands of *England*, having within that Time by Purchase or Exchange passed into the Hands of *new Owners* (as may probably be the Case of all our Lands before this Tax *can* be released) therefore the *Land Owner*, who bought his Land subject to the usual Land-Tax, shall in Equity and Conscience be for ever liable to pay *two, three, or four* Shillings in the Pound, by Reason of his having bought the Land *cheaper*.

And the *Country Parson* shall ask him those subtile Questions. 'Is he a Land Owner? Let him be asked upon his Conscience, whether he paid any Consideration to the Vender of the Land beyond the usual Price, and upon Supposition that no Land-Tax would be due from his Land. Is he a Farmer? Let him be asked upon his Conscience, whether he pays more Rent than used to be given for the Farm, and in Consideration of his paying no Land-Tax. If he cannot say that he either bought or hired the Land-Tax (and he can say neither) what Title hath he to it? and therefore there must be *another Owner* who hath a *just Title* to it.

From *Rules of Property* and *Rights of Estate*, such as this *Country Parson* would establish, it must follow, that no Usurpation on the Lands of a Kingdom could ever be resumed consistently with Conscience; that the Foundations of Ecclesiasticks in the *Church of Rome* itself ought not to be taken away, because the Priests have the legal Estate vested in them; that the Impositions of arbitrary Power become Matter of Right, in Persons who can work the ancient *Land Owners* out of their Inheritances, and, that if *Ship Money* had been exacted for a Length of Time, till the Value of all our Lands had sunk under the Exactions, *New Purchasers* would have had no Right to have been eased of the Burden, because they would have bought the Land charged with it, and cheaper by Reason of it.

In short, such Consequences are unavoidable from this Part of the *Country Parson's* Plea, that were he to shew himself in his proper Figure, speaking in this Manner against the Right of the People of *England* to enjoy their own Lands, an *Impeaching Parliament* might probably charge him as an *Enemy to Property*; a *Betrayer of the Rights and Liberties of the People*; advancing false Doctrines of dangerous Consequence to the Constitution of the Kingdom, and which tend to subvert the Protestant Religion, to obstruct all Reformation in the Christian Church, to revive Popery and Popish Foundations, and to subject the Commons of this Realm to the Yoke of enormous Ecclesiastical Power.

Leaving him to the Discipline of such National Justice whenever it shall find him----- I totally deny him, or any Parson living, to possess any Estate in the Land, by Reason of its having been lower'd in Value through an unjust Imposition; I conceive his *Claim of Tythe* to have no other Foundation in Law or Conscience than *Peter-pence* had before it was abolish'd by Act of Parliament; I conceive them both to have been Usurpations of the same Nature, which grew and obtain'd in the Times of Darkness and Devotion through the Craft of a mercenary Clergy, and the Superstition of a blind deluded Laity; I likewise apprehend, that as the Wisdom of Parliament utterly abolish'd the one, because it impoverished the Kingdom, so the Representatives of the People have not only a Right, but are bound in Duty to moderate the other, whenever it shall be exorbitant in its Amount, or oppressive in its Exactions. But,

Because the Estate of the Clergy in Tythe, is so much insisted on as their Right in Conscience, it may be fit to enquire on what Consideration they had their original Grants. The Confirmation of King STEPHEN is an Evidence of this Kind, the Preamble to which is as follows, viz.

* BECAUSE through the Providence of divine Mercy we know it to be so ordered, and by the Church's publishing it

* Quoniam Divina Misericordia providente cognovimus esse dispositum, & longe lateq; prædicante Ecclesia, sonat omnibus auribus divulgatum, Quod ELEMOSYNARUM largitione possunt

it far and near, every Body hath heard that by the Distribution of Alms, Persons may be absolved from the Bonds of Sin, and acquire the Rewards of heavenly Joys: I STEPHEN by the Grace of God King of England, being willing to have a part with them, who by an happy Kind of Trading exchange heavenly things for earthly; and smitten with the Love of God, and for the Salvation of my own Soul, and the Souls of my Father and Mother, and all my Forefathers and Ancestors (confirm Tythes and other Donations to the Church.)

After such a Specimen as this, I cannot have the least doubt that Estates given under such Considerations, are of all others the most proper for the Disposition of Parliament. But with reference to the *Country Parson's* Charge against the Quaker, that "his Conscience, " which will not allow him to pay Tythe, is a Conscience which will not permit his Neighbour to take and " enjoy his own Property." It seemeth reasonable to hear Quaker the speak for himself; And the strongest Writer on this Subject amongst the Quakers, being *Anthony Pearson*, formerly a Justice of Peace in *Westmorland*, let us hear what he says in his *great Case of Tythes*, on the Question *that Tythe ought to be paid as a Rent Charge upon the Estate.*

Unto which, *says he*, I answer,

‘ That though it were true, and could be proved that
 ‘ my Ancestors gave Tythes, and that for ever, yet am
 ‘ I not thereby bound to pay them, or stand any way
 ‘ chargeable with them. It is true, when they were
 ‘ Owners of Land, they might themselves yield and set
 ‘ forth what Part of their Increase they pleased, or
 ‘ might have given the Tenth or any other Part of their
 ‘ Land as they would, or they might have charged upon
 ‘ the Land what Rent they liked; but they could not
 ‘ charge their Posterity with that which was no ways
 ‘ theirs

sunt absolvi vincula peccatorum, & acquiri celestium præmia gaudiorum: Ego Stephanus Dei gratia Anglorum Rex *partem habere volens* cum illis, qui felici commercio cælestia pro terrenis commutant, Dei amore compunctus, et pro salute animæ meæ, et Patris mei matrisque meæ, et omnium parentum meorum, et antecessorum, &c.

' theirs, nor which, in any true Sense, Construction,
 ' or Understanding, they could be said to have any Pro-
 ' perty in, and which is not paid by Reason of that
 ' which is derived from them. For, Tythe is neither
 ' paid of Land, nor by the Reason of the Land, but is
 ' paid by the Reason of the Increase or Renewing; and
 ' therefore the Doctrines of the old Fathers, and the
 ' Popish Laws for Tythes, do as well require the Pay-
 ' ment of the tenth Part of Men's Profit or Gain,
 ' whether by Trade, Commerce, or Merchandize, as
 ' of the Fruits of the Earth. Yea, the tenth Part also
 ' of Wages, and Personal Increase, tho' not raised im-
 ' mediately by Land: And surely no Man will say that
 ' he pays Tythe of these because his Ancestors charged
 ' him with them; nor will any Man allow, that another
 ' Person, by any Gift of his Ancestor, can have another
 ' distinct Property in the tenth Part of the Fruits of his
 ' Labour; And the Case is the same as to all Tythes,
 ' whether predial, personal, or mixed. If I sit still and
 ' plough not, no Corn will grow; if I sit still and work
 ' not, no Profit will rise; so that it is my Labour, my
 ' Diligence and Industry that raiseth the Tythe, and in
 ' my Power it is to make it less or more; and sometime,
 ' yea often it falls out, that the Tythe of Corn is thrice
 ' more worth than the yearly Value of the Land on
 ' which it grows; and herein Tythe of Corn is far
 ' more hard and unequal than personal Tythes; for the
 ' one pays but a Tenth, all Charges deducted, the other
 ' pays the Tenth of Charges and all.'

' Mine Ancestor could not charge me with that which
 ' doth not accrue by Reason of that which I have from
 ' him; nor am I bound because mine Ancestor left me
 ' Land, to pay Tythe, which is not paid by reason of
 ' the Land, but of the Increase, unto which I am no
 ' more ty'd by Law, than he is who hath increas'd
 ' without Land. If I have Land, and no Increase, I
 ' pay no Tythes. If I have Increase, though no Land,
 ' I ought by Law to pay Tythes. If I husband my
 ' Land so, that the Increase is not to be sever'd, no
 ' Tythe can be recover'd of me; and therefore if I
 ' pasture my Land, no Tythe shall be paid for the Grass
 ' which is eaten unsever'd, but only a *Rate Tythe* for
 ' that which doth depasture on it; which makes it plain
 ' that

that Tythe is not paid by the Reason of the Land, but
 of the Stock; and, in that also it lies in my Power to
 make the Tythe much, little, or nothing; If I plough,
 and sow Corn, the tenth Part of the Increase is gene-
 rally more worth than the Land on which it grows,
 which comes not by the Land that descends from the
 Ancestor, but because of the Increase won with the
 great Charge, Industry, and Labour of the Husband-
 man. If I pasture my Ground with Sheep that yield
 a Fleece, the Tythe will be considerable, though not
 so much as by Corn. If I pasture with Cows or
 Breeding-Cattle, a much less Tythe is paid: And if I
 eat up the Pasture by Horses or barren Cattle, a small
 and inconsiderable Rate is only required; though in
 few Places of the Nation would that have been recover-
 ed in the Times when *Papish* Laws were at greatest
 Height. But if I plant Wood, and let it stand for
 Timber; or, if I store my Land with Beasts which be
feræ Naturæ, wherein there is no personal Property,
 no Tythes shall be paid: Or, if I will let my Land
 lye waste (which may be supposed, because it may be
 done) Or will eat my Meadow or Corn standing, no
 Tythe can be required. All these Instances manifest
 that Tythe hath still Relation to the Stock, and
 personal Estate, and not to the Land, and is paid by
 the Reason of the Stock and not of the Land.
 And so no Ancestor could lay and perpetuate such
 a Charge as Tythe upon it, nor could he bind
 his Successor, to pay it. If by my Ancestor I
 am bound to pay Tythe *Ratione Tenuræ*, or in
 Consideration of the Land which he leaves me, to
 what Value must it be of? I may yearly pay more
 Tythe, than the Land he leaves me is worth: If I keep
 it in Tillage, and if I pasture it I need not pay the
 Twentieth Part. Have I not herein (without Fraud
 to my Ancestor) Power to pay him much or little?
 How then is Tythe like a Rent certain (which is by
 some objected?). If Tythes were paid by reason of the
 Land, surely there is most Reason, that the Tenth
 Part of the Grass renewing upon all Pasture Grounds
 should be paid; for, the Land still brings that with it;
 and, it is easily dividable by Rent, or let by Month. If
 another hath as good Right to the Tenth Part of the
 Increase, as the Owner hath to the Nine-----why
 cannot

cannot he take it without the Owner's setting it out, or recover it by Action of Debt or Trespass? But it is clear there is no Title till it be set forth; and then, if the Owner of the Land carry it away, an Action of Trespass lies, because he had set it out, and given it to another, and so altered his Property, as one Man doth by marking his Cattle for another Man; and therefore it is, that the Law which commands Tythes, doth not give Power to any, to take the Tythe, because he had no Title, but enjoins the Owner to set it forth; and in so doing to make it another's *by his own Consent*. If any Man claims Tythes by my Ancestor's Gift, may I not ask him, to whom, or for what my Ancestor gave them? And, it is plain beyond Denial, that all those Gifts of Land or Tythe in *England* (since *Austin* the Monk planted the *Popish* Faith, and preached up the new Payment of Tythes) were given to *Popish* Priests, for saying Prayers for the Souls of the Givers and their deceased Ancestors, as old Consecrations do witness: And therefore in Reason, if the Consideration and Service be ceased, so ought also the Wages; for no Man in Law or Equity ought to claim Wages, when he will not do the Work for which it was given; and seeing these *Popish* Priests and Prayers are laid aside, the Gift (if any such were, and could be binding) ought to return to the Donor; and may not without his Consent, be perverted to another Use.

But some object, (as the *Country Parson* hath done in his *Plea*) That

When I or my Ancestor bought the Land, it was sold cheaper (because it was supposed it ought to pay Tythe) than I or my Ancestor could have bought such Land as was known to be Tythe-free; and therefore, having a cheaper Bargain, I am bound in Equity to pay Tythe.

I answer,

That, I have already proved all Land is Tythe-free; and that the Charge of Tythe is upon the Stock and personal Estate, and not upon the Land. And, the Strength of this Objection lies in comparing those who pay Tythes, with those who are free. Those who buy Lands *Tythe-free* are eased of this Oppression, and

are in no Hazard ; and, though all others ought to be so, yet it being a Question, whether they can ease themselves of the Burthen, they buy under a Hazard, and are subject to such a Charge. But if they cast off the Yoke, *they get but what is their own* ; and seeing we have denied the *Pope's* Authority and Supremacy, we may, so soon as we can, wholly cast off the Burthen which he laid on us : And thus, he that buys Lands in the Years of Trouble and heavy Taxes may, perhaps, buy much cheaper than when none or little is paid : Shall he therefore be required to pay Taxes when others are discharged ? Or, shall he that bought cheap Pennyworths on the Borders between *England* and *Scotland*, when those Parts were infested with *Moss-Troopers*, always pay Tribute to Thieves and Robbers ? We bought Land when the *Pope's* Yoke was upon our Necks ; and if we cast it from us, we may by as good Reason be eased of our Tythes, as they of their Taxes. But if I bought it cheaper, what is that to the State or the Priest ?

This is the Quaker's Defence against the Charge of *setting up a Title on the Plea of Conscience* to another *Man's Estate* ; wherein he proves, that this Tenth, which the Parson claims in the Produce of Land, is neither his Right by any Condition annexed to the Inheritance, nor by any Consideration allowed in the Purchase ; that neither the Donor of the Land gave, or could give it ; and that neither Conscience nor Equity can require the Quaker to pay it.

The Question will then depend upon the Judgment of the Legislative Power ; and we are still in the proper Method of debating what Measures the Legislative ought to prescribe between the Parson and the Quaker in the *Case of Tythes*.

We are told upon this Footing of the Judgment of the Legislative Power, and with some Air of Triumph, that Persons with-holding Tythes are stiled *Evil disposed Persons*, 27 *Hen. 8* ; *Not regarding their Duties to God and the King*, 30 *Hen. 8* ; and acting of an *ungodly perverse Will and Mind* : To which the *Parson* might have added, *moved and seduced by the Instigation of the Devil* :-----It would have made the same Impression on the *Commons of Great Britain* before whom he is pleading ;

ing; and it would have been as full an Answer to the Charge upon the Clergy of *Oppression, Avarice, and Injustice in their Suits for Tythe.*

The Words *perverse, ungodly, undutiful to God and the King*, prove nothing but that the Priests who had Power to obtain a penal Statute, had Leave to call People Names in the Preamble to it. But

If it be urged as the Sense of those Times concerning Non payment of Tythe, will the *Parson* allow me to cite other Statutes made about the same Time, as the Sense of the Law-Makers upon other Ecclesiastical Pretensions?

I fear, the Sense of Parliament hath very little Weight with the Clergy, when it is not on the Side of their Ambition; and therefore I may not perhaps hold it conclusive, when, influenced by their ungodly Management, it lets them loose to defame and damn their Enemies, as *Enemies to God and the King.*

The Statute of the first Year of *Edward the Sixth*,
Cap. 2.

DECLARES,

‘ That Elections of Archbishops and Bishops, by Deans and Chapters, are as well to the long Delay, as to the great Costs and Charges of such Persons whom the King gives any Archbishoprick or Bishoprick unto, and that the said Elections be *in very deed no Elections*, but only by a Writ of CONGE D’ELIRE have Colours, Shadows or Pretences of Elections, serving nevertheless to no Purpose, and seeming also derogatory to the King’s Prerogative Royal.

This Act of Parliament, though not held at present to be in force, doth certainly shew the *Sense of our Ancestors* on the Subject of Electing Bishops.

Will the Clergy allow us to speak of their *pretended* Elections of Bishops in the Terms of this Act of Parliament? No----- it is against Divine Right. If then they will not allow the *Institution of Bishops* to be tied down to the Preface of a Law made in *Edward the Sixth’s* Time, will they tie every Man down in the Equity of *Tythes* to the Preface of a Law made in *Henry the Eighth’s* Time?

I trust in the Right of an *English Subject*, that we shall not be restrained from a larger Consideration of so important an Affair, and that neither our *Duty to God* or the King shall be questioned for no better Reason than our Difference of Sentiments in the Affair of *Tythes*.

I reverence an Act of Parliament as much as any Man living. It is the Act of that Power which we are all bound to trust and obey. But I am not so far concluded by an Act of Parliament, that I ought either to believe *implicitly* whatever it declares, or not to solicit the Repeal of what it may enact.

And, I cannot but observe,

1. That when *Henry the Eighth* unravelling his own Reformation, went retrograde into the worst Measures of Popery, He past the *Act of the Six Articles* in his 31st Year, wherein he established *Auricular Confession* and *Transubstantiation*.

And,

2. That in his next Year he past the Act for the *Payment of Tythes*, wherein is the famous Expression of Persons *not regarding their Duties to God and the King*.

If therefore *Tythes*, *Transubstantiation*, and *Auricular Confession*, are of the same Growth and Family, we shall find that the same Reasoning from Acts of Parliament, which makes the *Payment of Tythes* a *DUTY to God and the King*, by the Statute of 32 *Hen.* 8. would as forcibly prove *Transubstantiation* and *Auricular Confession* to be Articles of Faith, fit for a Christian to believe in, because they are so declared, by the Statute 31 *Hen.* 8. which imposed those *six Bloody Articles* famous in the Story of those Times.

And,

To say that the Act of the *Six Articles* is repealed, but that the *Tythe Act* is still in Force, would make the Matter infinitely ridiculous ; For,

This would suppose that our *Duty to God*, or our *Faith in Christ* depends altogether on the Existences and Duration of Acts of Parliament: So that it may be a *Duty to God*, or not a *Duty to God*; an *Orthodox Creed*, or not an *Orthodox Creed*, as different Parliaments happen to be of different Opinions.

If the *Country Parson* is displeased that such Absurdities should be laid at his Door, he should be less forward to press the Sense of our Ancestors, and Authorities out of the Statute Books in Proof of such Points as *Duties to God*, wherein every Man may take the Bible and his own Conscience to be safer Guides than any Act of Parliament.

If he is displeased that the Sense of our Ancestors, and Authorities out of the Statute Books should be urged in support of the Rights of the Laity against the Usurpations of the Clergy, I must tell him, that to protect the People from Injustice, is the proper and essential Care of Parliament, but that to define *Duties to God*, is beyond the Bounds of Human Authority; and though Parliaments may specify what Doctrines Clergymen shall teach, yet they cannot require *any Man to believe them*, because though the Parson is the *Servant* of the Legislative Power, yet every Man is *Master of his own Conscience*.

Our *Duty to God*, as to the payment of Tythes, is therefore in every respect as questionable, and as *conscientiously* to be denied, as if those Laws had never been enacted.

And,

The payment of Tythes, as a *Duty to God*, being denied by the Quakers, and by almost all other Men;

The *Common Good* can be the only justifiable Reason for imposing it as a common Charge.

Thus, we are once more in the Case, where we ought to be, of debating the Merits of this Bill upon the principles of publick Justice.

The People called *Quakers*, who are most oppressed by Suits for Tythe, apply for the better Regulation of such Suits, that they may be less oppressed by them.

As a People professing the Religion of *Christ*, they cannot pay Tythes or Wages to the Clergy, because they believe in their Consciences that *Christ* abolished Tythes, and forbid the payment of Wages to the Priesthood.

If they are in an Error, it is the Error of their Consciences, and they ought not to be punished for it.

But,

But,

As Subjects professing a dutiful Obedience to the Government under which they live, they yield, according to the Gospel of *Christ*, Submission to the Civil Magistrate, and what he takes from them for the Maintenance of the Clergy, they patiently acquiesce in ;

They make no Resistance to the Officer who distrains their Goods for Tythe.

And,

Can any Thing be more reasonable, than to appoint an Officer, who shall at their Charge set out the Tythe, when it is due in Kind, or levy it when it ought to be paid in Money ?

Or,

Can any Thing be more unreasonable, than to authorize the Parson to sue the Quakers not only for the Tythe, but for *Three times the Value*, because he hath *not set it out*, when he is disabled by his Conscience, and when any other Man may be appointed by Law to *set it out for him* ?

We are told by the *Country Parson*, that every *wise* Clergyman, for his Own Sake, and every *good* Clergyman, for his Neighbour's sake, will take the *easy* and *cheap* Method which is left to his Option by former Acts of Parliament ;

And,

Therefore, it is inferred, the Legislature ought not to tie the Clergy down to this easy and cheap Method, because the wisest and best of them already use it for their own Sake, and their Neighbours.

But,

If the Wisest and Best use it of Choice, this will be an Argument, that the *Unreasonable* and *Unjust* should be restrained to it.

For,

Are the Subjects of *England* to have no better Security against Oppression, than the Wisdom and Goodness of the Clergy ? Or,

Ought the Clergy to be trusted with a Power, which, according to the *Parson's* Confession, neither a *wise* Clergyman nor a *good* Clergyman can use, without Mischief either to himself or his Neighbour ?

Where

Where the power of Oppression is, Acts of Oppression will undoubtedly be. No Church, no State, no Body of Men ever had this Power but they used it.

And,

Whoever gives an Authority to oppress, is the Author of Oppression.

This Truth, which is written in Characters of Blood in all the Histories of Mankind, is Reason and Evidence to justify a Bill which restrains an oppressive Power in the Church :

A Reason so convincing, an Evidence so clear, as makes it trifling with the Justice of Parliament, when the Clergy demand Proof that they *do* oppress, whilst every Man who hath Eyes must see that they may oppress.

If they *may*, many of them will :

But,

If they *may not*, none of them can commit Oppression.

And,

If they have not oppressed by that power whereby they may oppress ; yet, it is incumbent on the Justice of an House of Commons to restrain such oppressive power.

Because,

It is more the Duty of Parliament to prevent Grievances than it is to redress them ; it is more compassionate to save Men from Injustice than to relieve them under it ; it is an happier Effect of Law to preserve Property than to repair it ; it is a nobler Act of Justice to restrain a Crime than to punish it ; and it is a more perfect Constitution of Government under which Oppression is not practicable, than that under which it is practised, and *may be* punished.

By a Paper which I have seen in the Hands of Gentlemen (since this Bill hath been depending) entitled, *An Account of Prosecution of the People called Quakers in the several Courts, since the 7th and 8th of King William the Third, Anno 1696, when the Affirmation-Act was obtained, which gave Justices of the Peace Power to judge of Tythe demanded under the Value of Ten Pounds ;*

It

It appears that there have been,

	<i>Prosecutions.</i>	<i>Prison.</i>	<i>Died in Prison.</i>
In <i>Chancery</i>	38	10	1
In the <i>Exchequer</i>	787	185	2
In the Ecclesiastical Courts	} 269	81	2
In the Common- Law Courts	} 59	16	0
In all	1153	292	5

The Quakers add, That ‘ they are very imperfect, as to the whole Number of Suits brought, because several Times such Suits were made an End of in the Country, and no Account given of them to their *Meeting of Sufferings* ; and many Times when Friends were discharged from Imprisonment by *Acts for Relief of Insolvent Debtors*, there were no Accounts given ; and the like Deficiency often happened, when their Relations paid to release them out of Goal.’

They alledge ‘ That the Demands for Tythe have been innumerable within forty Years past ; but that the Nature of the Prosecutions, and Sums levied by them may be judged of they have collected 44 Cafes, where the Demands amount to 188 *l.* 3 *s.* 8 *d.* and the Sums levied to 2252 *l.* 6 *s.* 10 *d.*

‘ One *Isaac Averil* was prosecuted three several Times for three several Sums amounting to 19 *l.* for which he had taken from him 187 *l.* 10 *s.*

‘ There was one Friend a Prisoner *Ten Years* for *Forty Shillings*.

‘ Another, a Prisoner, *Four Years* for *One Shilling*.

‘ Two were Prisoners *Five Years* for *Twenty Shillings*.

‘ One was a Prisoner *Nine Years* for small Tythe.

‘ One was a Prisoner *Six Years* for *Four Pound Ten Shillings*.

‘ They find an Account of fifteen Persons prosecuted for above *Ten Pounds* each ;

‘ The

‘ 6 d.
‘ 7 s.
‘ Per
‘ Ten
‘ viz

James
Thomas
Richard
Thomas
Robert
Henry
Josiah
John
Alexander
Jeremiah
George
Samuel
William
Jonathan
Daniel
Thomas
Abraham
Roger
Richard
Thomas
John
Francis

Th
Parson
Cafe
their
large
Partic
havin
fuller

* The Demands on the whole fifteen being 313 ^{l.} 9 ^{s.}
 * 6 ^{d.} there was taken from them for that Demand 1068 ^{l.}
 * 7 ^{s.} 4 ^{d.} 2 ^{q.}
 * They further specify the Names of the following
 * Persons with the Tythe demanded *under the Value of*
 * Ten Pounds, and the Sum levied on Account thereof,
 * viz.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
James Haviland - - - -	8	00	0		61	00	0
Thomas Strong - - - -	1	10	6		15	11	6
Richard Case - - - -	0	13	0		37	11	6
Thomas Drape - - - -	4	10	1		50	00	0
Robert Holliday - - - -	0	11	6		60	00	0
Henry Wake - - - -	1	4	6		30	00	0
Josiah Williams - - - -	2	00	0		30	00	0
John Taylor - - - -	1	5	8		44	18	0
Alexander McGe - - - -	6	15	11		87	16	11
Jeremiab Ellis - - - -	1	00	0		49	00	0
George Bewley - - - -	3	10	0		93	10	0
Sam. Tully & T. Warner - - - -	3	2	8		75	16	0
William Pearson - - - -	0	13	0		19	16	0
Jonathan Peasely - - - -	7	0	0		237	5	0
Daniel Williams - - - -	0	1	6		100	0	0
Thomas Elwood - - - -	0	12	0		24	7	6
Abraham Butterfield - - - -	8	0	0		90	0	0
Roger Jenkins - - - -	0	14	6		84	10	6
Richard Allen - - - -	1	15	6		80	0	0
Thomas Jenkins - - - -	1	5	0		67	10	0
John Townsend - - - -	4	00	0		77	14	0
Francis Chairman - - - -	7	16	0		73	0	0
	66	1	4		1484	6	11

This is a Specification of Suits, which the Country Parson and his Colleagues complain of, as omitted in the Case of the Quakers. I am told, that the Registers of their Meeting of Sufferings have recorded the Cases at large; and that they will inform any Gentleman of the Particulars of their Hardships; which I mention, because having no Acquaintance amongst them, I am without fuller Information myself, nor have I applied where, I believe,

believe, I could not be refused; because, if I knew the exactest State of every Case, it could not be discoursed of within the Extent of these Papers.

The *Number of Suits* herein specified, the *Prisoners*, the *Distresses*, and the immense Disparity between the Demand and Sum exacted in Suits for Tythe, must raise Abhorrence in any compassionate Mind. The single Article of *One hundred Pounds taken for eighteen Pence* would be just Provocation for abolishing all the Tythes of the Clergy, if their Suits could not be carried on in more human Methods. Such an Instance of Oppression in any Civil Concern, would raise an Insurrection; and, that Men endure it from their Spiritual Guides, shews the Universal Passion for an Interest in another World; though, the utmost Force of Imagination cannot paint an Hell more terrible to our Fears, than what the Cruelty of the Clergy daily sets before our Eyes.

In 1153 Suits they made 292 Prisoners; in 15 Suits where the Claims amounted to 313 *l.* they exacted 1068 *l.* which was at the Rate of *one Hundred Pounds* for less than *thirty Pounds*; in 44 Suits where the Claims amounted to 188 *l.* they exacted 2252 *l.* which was at the Rate of *one hundred Pounds* for little more than 8 *l.* and, in 22 Suits where the Claims amounted to 66 *l.* they exacted 1484 *l.* which was at the Rate of *One Hundred Pounds* for less than *four Pounds ten Shillings*. Or if we take these 81 Suits all together, the Sums demanded make 567 *l.* which compared with 4804 *l.* the total Sum taken, is in the Proportion of *one Hundred Pounds* levied, for every Sum of *eleven Pounds five Shillings* demanded.

Compute the Medium of the Charge in any Manner, it is monstrous and enormous. Suits attended with *such Costs* are a Scandal on the Justice of the Kingdom, not to mention the Profession of the Gospel. And therefore this Bill, which is design'd to shorten Suits and limit Costs, will vindicate the Laws as much as it will ease the People.

I perfectly agree with the *Country Parson* in this Plea, ' That to secure Property is one main End of Govern-
' ment, and that therefore all Opinions, all Practices

' inconsistent

inconsistent with the preservation of Property, are also inconsistent with Government and Society.

No Man can be more tender of Property than I have ever been, and always shall be. But I think the Laity have a property in their Goods as well as the Clergy in Tythe;

That *nine Parts in ten* are a more valuable property than a *single Tenth* can pretend to be;

That the property of a *Tenth* ought not to devour the property of all the other *Nine*;

And that it is destructive of all property to levy four Thousand eight Hundred and four Pounds on the Laity, where the Sum of 567 l. is the whole Demand of the Clergy.

The *Country Parson* hath a Conceit, that this Bill is the only Instance of an Application to any Government, in the known World, to countenance an *Opinion* destructive to the property of any of the Subjects.

But surely, if it be his Conception, he is wrong, vain, and unwarrantable.

That Lands held in *Mortmain*, or that the Stagnation of property in dead Hands, is contrary to the Good of the Kingdom, hath been the Opinion of our Parliaments and the principle of our Laws, ever since the Foundation of this Government, however destructive it must be to what *Churchmen* call their property.

But further,

That the Quakers hold the Maintenance of the Clergy to be antichristian and unreasonable, is Fact;

That any Sect should account it a sufficient Charge upon them to maintain their own Teachers, is but Reason:

And,

That the Quakers, who pay nothing at all to their own Teachers, should be obliged to maintain the Teachers of any other Sect, is to them not only an Hardship, but an Abomination.

Now this, which tends to take away the Maintenance of the Priesthood, may to a *Parson* seem very naturally destructive of what he calls his property.

But,

Because the Quaker with-holds the *Tenth* which the Law gives the *Parson* a Title to, shall he take the other

Nine which the Law can give him no Title to? And, by reason of a Claim of 567 l. consume *Four Thousand Eight Hundred and Four Pounds* of the Quaker's Substance? And more prodigious! Shall he take an *Hundred Pounds* for *Eighteen Pence*.

I envy the Clergy no Maintenance which the Law gives, or can give them; But, the Maintenance of the Priesthood ought not to devour the Substance of the whole People, like the *Ears of Corn* in PHARAOH'S DREAM, *that sprung up withered, thin, and blasted with the East Wind*, and, *devoured the Ears* that were full and good.

I have not contended either for taking away, or for making less, that Maintenance which the Law allows them. But I have always been of Opinion, that to ask it from the Good Will of Society, and to take it without Cruelty or Oppression, will more firmly establish their Revenues than the most arrogant Claims of *Divine Right*, or the most rigorous Measures of Ecclesiastical Tyranny.

I firmly believe, that to seek for no more than their Due, would be the surest Means of always receiving their Due;

I have ever observed, that the more they talk of their privileges, the less other People think of them:

And whatever Light I may stand in with the *Reverend Order*, I believe I am a better Friend to their Interests than many of themselves can pretend to be; for *they* would maintain that exorbitant Usurpation of Power, which they cannot make use of without making themselves most odious; whereas, I would *disable them* from hurting their Calling, or the Cause of Religion, by Tyranny or by Injustice.

I am of Opinion, that if the Church shall on every Occasion oppose itself to the loud *Complaint of the Land*, and persist in these Obstinate Claims of Powers, too heavy to be borne, they will make the Cause of the Church such a Load upon its Friends, that the Torrent of publick Resentment will be stronger than any Minister can stem; the Passions of Mankind unreasonably provoked, will not be easily appeased, and though a *small Sacrifice* might have contented every one in the Beginning,

ning, yet when popular Rage is too far incensed, *a great One* will not satisfy in the End.

Nothing so much calms and sweetens Mankind, as the frank Redress of a Crying Grievance. Any single Hardship generously taken away, disposes the Bulk of Mankind to endure a thousand; they are subdued by Gentleness and Mercy; but grow restiff and head-strong under Oppression.

In all Societies and States, it is seen from the *Parish Priest* to the Prince and Ruler of the Country, that He who asks with the greatest Moderation is paid with the greatest Liberality.

I am therefore most clear, That the *Country Parson* is an Enemy to the Interest of his Order, by Obstinate opposing that Ease which the People aggrieved by Tythe are likely to obtain by this Bill.

‘ He says indeed, That passing this Bill in Compliance to the Obstinate Quakers, will make them be esteem’d as Confessors, who by their Steadiness have made the Law give Way, and exalted their misguided Consciences above the property of their Fellow-Subjects.’

But,

May it not be said with greater Truth?

That rejecting this Bill, in Compliance to the Obstinate Clergy, will make them be considered as *a Dead Weight upon the Constitution*; which, by its continual Obstruction, keeps common Justice at a Stand, and exalts the Ambition of Churchmen above the Rights of their Fellow-Subjects.

Is any property in the Kingdom sacred from Regulation besides theirs? Or, is it fit that any should be?

Hath not the Wisdom of Parliament provided Laws for the *Limitation of Suits*, and for the prevention of *Frivolous and Vexatious Arrests*?

Have not Acts been made to regulate the Courts, and Officers of Justice, to discharge Prisoners for Debt, and to reform the Goals?

Yet,

Did any Man oppose these Acts by Claims of *Birth-right* in the Law, and Insolent Demands of *Property*, as if the Law could stand in Obstruction to publick Justice,
or

or Property in any one be a Reason for the Oppression of all.

To adjust the Bounds of Property, and to make the Power of every Subject compatible with the Safety of the rest, are the highest Ends of Government:

And therefore all *Opinions*, all *Practices*, which tend to the Exemption of any order of Men from publick Enquiry, or publick Justice, are utterly inconsistent with Government and Society.

If an Order of Men have Advantages from Law, which are inconsistent with Justice, ought not the Law to give Way for the free Course of Justice? Or ought the *Legislative Power* to exist in vain?

Is it to be a Power, which in any Case having been misguided to oppress, shall for ever remain without Capacity to right the injured Subject?

If Arguments of this sort had prevailed with our Fathers, we should have continued as absolute Bigots and Slaves to the Church, at this Hour, as our *Fellow Christians* are in *Italy* and *Spain*.

If Arguments of this sort prevail for the time to come we shall never be allowed to repeal or amend any Law Beneficial to the Priesthood, however Grievous to the People, since the Priests claim a *Birthright in the Law*, to bound the Legislative Power.

But,

The Bill ought to pass, were it only for the sake of an Example, that it is not in the Power of a *Mitred Doctor*, by his *Letters Missive* stirring up Petitions from every Diocese, to intimidate an House of Commons in a Matter of this high Concern to the Justice of the Kingdom.

If such Arts are successful to encrease the *Waste Paper on the Clerks Table*, I hope, a Body of *English Gentlemen* will never weigh Petitions in *Quantity* against any Bill whatever; especially Bills for the Reformation of the Church, against which, they are certain of having as many Remonstrances as there are Deaneries, Arch-deaconeries, Chapters, Colleges, or Ecclesiastical Precincts in *England, Wales*, and the Town of *Berwick upon Tweed*.

Another

Another Reason that the Bill should pass, is, that *if it do pass*, the Clergy are *desirous to have it made general*.

This seems to be the only equitable Proposition in the *Country Parson's Plea*; Though I have been told, that his Brethren wisely hope to defeat the Bill, by extending the Benefit of it to ALL the People of *England*! But,

I cannot believe, that any Man living will dislike a Bill because he and his Friends are to share the good Effects of it, as well as the People called *Quakers*.

Nor, will I imagine, that any set of Men can be so simple as to be against this Act for the Ease of the *Quakers*, on Account of its being so highly expedient for every one else.

I am exceedingly desirous that it may be made general; and, that the *Committee of the whole House* may secure not only the *Quakers*, but the whole People of *England* from Ecclesiastical Oppression. Yet,

If it should pass confined to the *Quakers* only (which I am credibly informed that People do not desire;)

It shall nevertheless have my hearty Concurrence,

Because, when a Law is obtained of so much good to one Part of the Subjects, it will be more easy to procure the like Relief for all the rest; And,

An House of Commons will have this act of Indulgence to build upon, as the Foundation of universal Liberty. For this Reason,

We ought to favour the *Quakers* as the first *Movers in the Cause of Liberty*; and notwithstanding the unhand-some and unwarrantable Language which some of the Clergy bestow upon this innocent People,

I will say what my Experience of them can justify, (nor was I without a full Knowledge of them in the former Part of my Life;)

They deserve Protection and Indulgence as much as any Part of his Majesty's Subjects:

They are unquestionably attached to the Succession in his *Protestant Royal Family*, and zealous in promoting the Felicity of his Reign:

They are naturally interested in the Liberties of *England*, as a People whose Religion can have no other Refuge:

They

They are universally employed in Trade and Industry; they have the smallest Number of Members either unprofitably Rich, or miserably Poor; and, they are the least to be accused of *Luxury, Corruption*, or LAW-SUITS of any Set of Men in the Kingdom.

And, in Justice to their Principles,

I have ever thought their Religion to be well deserving of Countenance from a Free and Wise Government. For,

It tends to establish no Hierarchy, to monopolize no Property, to invest no Lands in useless or dangerous Societies, to form no Interest separate from the common Good, to detach no Part of the People from natural Industry, nor to enslave any other Part by Bigottry and blind Dependence.

If some little Singularity in their Forms may occasion Witless Drollery on their Persons, Wise Men will excuse them, from the good Effects even of their most rigid Institution. For,

By this Means they preserve a Modesty of Apparel amongst their People, which no *Sumptuary* Laws that have been made in *England* could produce amongst us; and, a Purity of Manners, which shew our *Reforming Societies* to be as despicable as they are Useless, or Worse.

If they are described by those that do not know them, as *stiff* and ungraceful in their Deportment, so far is it from being true, there are not any People in the World of more flowing Affability, more social Kindness, and easy Humanity than many of the Quakers, who are taxed with stiffness of Behaviour by the Priesthood; tho' there is not a Day of Sunshine, but the *express Image* of all *Priest-craft* may be seen in St. *James's-Park*, cloathed in *Church Buckram*, with that *insolent Grimace* and *powerless Formality*, which would not less move the Contempt of a Quaker, than the Indignation of a Gentleman.

Lastly,

If the Quakers are traduced by a defaming *Parson*, as *not regarding their Duties to GOD and the KING*, because they will not yield Tythe to the Clergy;

It may for the Conclusion of this Discourse, be justly observed in their Favour; That,

1. As to their Duty to *Almighty God*,
Not conceiving the Clergy to have any Right of Maintenance from Reason or Revelation, this People who do not pay it, are justified in refusing it.

But,

That the Clergy, who whenever they administer the Gospel by Deputation, rarely give their Substitute a better Maintenance, than any Gentleman gives to a *Livery Servant* :

Should tax the Laity, and encumber the Land, to be maintained in the Luxury of Lords, and the Pride of Sovereign Princes :

Or,

Should, in the Instance of every *Country Parson*, think it reasonable to demand in recompence for the *Cure of Souls*, five Times, nay frequently ten Times, as much as any Parson alive will *pay his Curate* for discharging the Office in his Stead ;

Is such a Contradiction, so full of Enormity and Imposture, as gives not only every Quaker, but every Man Cause to conclude, that all of the Profession ask more than any of them deserve, by their own Rule of paying *Priests Wages*.

And,

2. As to their Duty to the KING,

The Quakers never were questioned till they were reflected on by this *Country Parson*, whose *Loyalty* perhaps wants a better Argument to convince the World of its *Sincerity*, than this *immoderate Zeal for Tythe* :

A Parson, of whom it may be fairly said, because it is notoriously true,

That he had so far abandoned the Obligation of his Oaths, as to have no Method of making the World suspect Him of *Ordinary Allegiance*, but by the most *prostitute Compliances*; and, that He was a *Jacobite* in all Men's Opinion, till, as the lowest Implement an Advocate of *Corruption*, He shew'd the *Whiggs*, that with him it was more natural to be the *Slave* of their Power, than a *Profelyte* to their Principles of Liberty.

From such a Man, such a Charge of *not regarding Duties to God*, and the KING, ought to be considered as pure Defamation on the Quakers, proceeding from Malevolence to the Rights of All Mankind ;

It can make no Impression to their Disadvantage ;

And therefore I humbly hope, *that the Bill shall pass.*

F I N I S.

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